Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Seventeenth Regular Session

OF THE

Legislative Assembly

Held at Helena, the Seat of Government of Said State, Commencing January 3rd, 1921, and Ending March 3, 1921

With Appendix of Constitutional Amendments, Initiative and Referendum Measures Adopted by Vote of the People at the General Election Held November 2, 1920

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CERTIFICATE OF AUTHENTICATION.

STATE OF MONTANA, }
} ss.
Secretary's Office }

I, C. T. Stewart, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Seventeenth Regular and Extraordinary Sessions of the Legislative Assembly of the State of Montana, commencing January 3rd, 1921, and March 5, 1921, respectively, and held at Helena, the seat of Government of said State, and, in addition, true and correct copies of all Constitutional Amendments, Initiative and Referendum measures adopted by the people of Montana at the General Election, held November 2nd, A. D. 1920.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great Seal of the State of Montana at Helena, the seat of government, this 1st day of May, A. D. 1921.

(Seal)

C. T. STEWART,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

17th Legislative Assembly of the State of Montana

Governor, JOS. M. DIXON
Lieutenant Governor and President of the Senate, NELSON STORY, JR.
Speaker of the House, FRED L. GIBSON

STATE SENATORS

NAME	RESIDENCE	COUNTY	POLITICS
*Anderson, J. W.	Sidney	Richland	Republican
*Booth, Edwin S.	Baker	Fallon	Republican
*Burgess, Charles N.	Townsend	Broadwater	Democrat
*Burlingame, James M.	Great Falls	Cascade	Republican
Church, Ray	Helena	Lewis and Clark	Democrat
*Clark, T. L.	Sweetgrass	Toole	Democrat
Coburn, J. W.	Cut Bank	Glacier	Republican
*Cone, Frank	Hamilton	Ravalli	Republican
*Connelly, F. B.	Billings	Yellowstone	Republican
*Cooper, George R.	St. Regis	Mineral	Republican
Cowan, William T.	Box Elder	Hill	Republican
*Craig, James W.	Piniele	Carter	Republican
Dearborn, Mark D.	Roundup	Musselshell	Republican
Dixon, Hans J.	Dagmar	Sheridan	Democrat
*Donlan, Edward	Missoula	Missoula	Republican
*Edwards, J. E.	Forsyth	Rosebud	Republican
Esp, John T.	Big Timber	Sweetgrass	Republican
*Foster, John E.	Harlowton	Wheatland	Republican
*Gallway, H. A.	Butte	Silver Bow	Democrat
Gibson, L. D.	Hysham	Treasure	Republican
Greening, C. W.	Hardin	Big Horn	Republican
Greenup, Luther G.	West Fork	Daniels	Democrat
Griffin, James	Chinook	Blaine	Republican
Haaland, J., Jr.	Joplin	Liberty	Democrat
Haley, W. S.	Terry	Prairie	Republican
Harmon, W. E.	Bozeman	Gallatin	Republican
Hazelbaker, F. A.	Dillon	Beaverhead	Republican
Hefferlin, C. S.	Livingston	Park	Republican
Henderson, W. C.	Jordan	Garfield	Republican
Heren, R. P.	Miles City	Custer	Republican
Jensen, Peter C.	Powderville	Powder River	Republican
*Junod, O. H.	Sheridan	Madison	Republican
*Kinney, John C.	Wibaux	Wibaux	Republican
Kirton, Herbert	Malta	Phillips	Republican
*Larson, T. O.	Choteau	Teton	Republican
*Leuthold, J. H.	Park City	Stillwater	Republican
*Lewis, Vernon E.	Fort Benton	Choteau	Republican
*Long, F. A.	Eureka	Lincoln	Republican
Lowe, Henry	Culbertson	Roosevelt	Republican
Loy, Loren W.	Ryegate	Golden Valley	Republican
McCone, George	Lambert	Dawson	Republican
*McKay, John F.	Noxon	Sanders	Democrat
Mains, D. F.	Valier	Pondera	Republican
Mears, John L.	Geyser	Judith Basin	Republican
*Page, John R.	Philipsburg	Granite	Democrat
*Parker, Montgomery H.	Boulder	Jefferson	Democrat
Paul, W. J.	Deer Lodge	Powell	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Rorvik, Peter	Circle	McCone	Democrat
Siegfriedt, Dr. J. C. F.	Bearcreek	Carbon	Republican
Slattery, John L.	Glasgow	Valley	Republican
Stewart, James H.	Sixteen	Meagher	Democrat
Stewart, T. P.	Anaconda	Deer Lodge	Republican
*White, B. C.	Buffalo	Fergus	Democrat

* Holdovers. Elected in 1918.

C. J. McALLISTER, Secretary.

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NAME	RESIDENCE	COUNTY	POLITICS
Allen, Geo. R.	Virginia City	Madison	Republican
Anderson, R. L.	Ismay	Custer	Republican
Arnold, W. P.	Richey	Dawson	Republican
Austin, Harry H.	Big Timber	Sweetgrass	Republican
Beley, Ward	Harlowton	Wheatland	Republican
Bell, Geo. H.	White Sul. Springs	Meagher	Republican
Bergeson, O. A.	Geraldine	Choteau	Republican
Berglin, J. O.	Chester	Liberty	Republican
Black, William M.	Shelby	Toole	Republican
Bloomquist, Harvey L.	Great Falls	Cascade	Republican
Bohling, John B.	Dutton	Teton	Republican
Boorman, C. E.	Great Falls	Cascade	Republican
Brasier, Chas. A.	Butte	Silver Bow	Republican
Brockway, B. G.	Billings	Yellowstone	Republican
Brooks, Joseph	Livingston	Park	Republican
Brown, Earl W.	Helena	Lewis and Clark	Republican
Brown, Geo. A.	St. Regis	Mineral	Democrat
Buell, H. S.	Bozeman	Gallatin	Republican
Cady, William M.	Libby	Lincoln	Republican
Carlson, B. E.	Weldon	McCone	Democrat
Cavanaugh, Miles J.	Butte	Silver Bow	Republican
Charters, J. H.	Grass Range	Fergus	Republican
Chatfield, M. D.	Helena	Lewis and Clark	Republican
Conser, C. C.	Plevna	Fallon	Republican
Cooney, E. H.	Great Falls	Cascade	Republican
Covell, Chas. L.	Lewistown	Fergus	Republican
Crumbaker, Calvin	Carter	Choteau	Republican
Daily, John R.	Missoula	Missoula	Republican
Dillavou, R. C.	Billings	Yellowstone	Republican
Dodds, Percy F.	Whitefish	Flathead	Republican
Dowlin, Chas. M.	Forsyth	Rosebud	Republican
Dowlin, W. E.	Billings	Yellowstone	Republican
Dunbar, Herbut G.	Three Forks	Gallatin	Republican
Dunn, Robert J.	Anaconda	Deer Lodge	Republican
English, Gus B.	Anaconda	Deer Lodge	Republican
Fairgrieve, Alex	Washoe	Carbon	Republican
Faust, H. J.	Drummond	Granite	Republican
Felton, W. R.	Square Butte	Choteau	Republican
Geis, Homer E.	Winnett	Fergus	Republican
Gibson, Fred L.	Livingston	Park	Republican
Gillette, F. B.	Hinsdale	Valley	Republican
Goodland, W. H.	Butte	Silver Bow	Republican
Goodman, Alex	Great Falls	Cascade	Republican
Green, E. J.	Kalispell	Flathead	Republican
Green, Henry R.	Lindsay	Dawson	Republican
Gullidge, A. O.	Terry	Prairie	Republican
Hanson, Fred	Flaxville	Daniels	Independent
Haskell H. J.	Glendive	Dawson	Republican
Hathaway, Mrs. Maggie Smith	Stevensville	Ravalli	Democrat
Haynes, C. E.	Fort Benton	Choteau	Republican
Hills, H. G.	Purewater	Garfield	Republican
Hunter, James	Klein	Musselshell	Republican
Johnson, Albert	Denton	Fergus	Republican
Johnson, Edw. C.	Anaconda	Deer Lodge	Republican
Johnson, Howard A.	Butte	Silver Bow	Republican
Jones, Dudley	Dodson	Phillips	Republican
Kemp, R. W.	Missoula	Missoula	Republican
Kenyon, D. C.	Chinook	Blaine	Republican
King, Don B.	Butte	Silver Bow	Democrat
Knudsvig, K. H.	Larslan	Valley	Republican
Lakin, William P.	Miles City	Custer	Republican
Larson, L. S.	Fairview	Richland	Republican
MacDonald, T. H.	Kalispell	Flathead	Republican
McDonald, Thos. F.	Butte	Silver Bow	Republican
McQuarrie, Daniel L.	Missoula	Missoula	Republican
Northey, W. H.	Ryegate	Golden Valley	Republican
Ogden, Earl	Augusta	Lewis and Clark	Republican
O'Hara, R. A.	Hamiltow	Ravalli	Republican
Parsons, Henry R.	Williams	Pondera	Republican
Peden, W. A.	Hardin	Big Horn	Republican
Penewell, T. A.	Miles City	Custer	Republican
Perrine, J. A.	Cut Bank	Glacier	Republican
Phelps, E. T.	Baylor	Valley	Republican
Provinse, H. C.	Red Lodge	Carbon	Republican
Ray, J. D.	Columbus	Stillwater	Republican
Reeves, A. I.	Helena	Lewis and Clark	Republican
Reid, C. W.	Been	Wibaux	Republican
Rhoads, Harmon T.	Choteau	Teton	Republican

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HOUSE OF REPRESENTATIVES—Continued

NAME	RESIDENCE	COUNTY	POLITICS
Rickard, H. E.	Poplar	Roosevelt	Republican
Riggs, D. F.	Whitehall	Jefferson	Republican
Rixon, F. P.	Billings	Yellowstone	Republican
Roberts, J. W.	Great Falls	Cascade	Republican
Rodgers, Harry G.	Dillon	Beaverhead	Republican
Rouleau, Ed	Butte	Silver Bow	Democrat
Sales, Allen H.	Bozeman	Gallatin	Republican
Sandy, B. B.	Elgin	Carter	Republican
Scharnikow, Edward	Deer Lodge	Powell	Democrat
Scofield, John L.	Biddle	Powder River	Republican
Shoemaker, Edgar M.	Helena	Lewis and Clark	Republican
Shoemaker, J. A.	Billings	Yellowstone	Republican
Sickler, A. R.	Forsyth	Rosebud	Democrat
Silver, Francis A.	Butte	Silver Bow	Republican
Skulason, S. G.	Thompson Falls	Sanders	Republican
Smith, Charles A.	Whitefish	Flathead	Republican
Snell, James	Butte	Silver Bow	Republican
Spencer, John T.	Bridger	Carbon	Republican
Spratt, G. C.	Benchland	Judith Basin	Democrat
Stevens, Harry R.	Great Falls	Cascade	Republican
Stoner, Clair	Outlook	Sheridan	Democrat
Swift, C. R. Jr.	Hysham	Treasure	Republican
Treloar, Sam H.	Butte	Silver Bow	Republican
Troy, T. J.	Havre	Hill	Republican
Wade, Geo. T.	Butte	Silver Bow	Republican
Wallace, Lloyd I.	Ronan	Missoula	Republican
Warren, Chas. S.	Butte	Silver Bow	Republican
Wilcomb, A. J.	Twin Bridges	Madison	Republican
Williams, Arthur	Radersburg	Broadwater	Republican
Worden, Tyler	Missoula	Missoula	Republican

R. H. WIEDMAN, Chief Clerk.

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255	216	Senate	An Act Providing for the Recording of Permits Granted to Persons Who Desire to Use, Obtain, Sell or Purchase Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes, to Provide for the Recording of Permits Granted to Persons for the Sale of Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes; Permitting the Use of Said Permits After the Recording Thereof, Providing for the Recording Thereof and the Fee to Be Charged Therefor, and Providing the Manner of the Cancellation of Said Recording, and Expressly Providing That the Act Shall Not Amend or Repeal Chapter 175 or Chapter 143 of the Laws of the Fifteenth Legislative Assembly, Except So Far As the Same Shall Apply to the Introduction, Sale and Use of Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes, As in This Act Provided"	568
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			of the Session Laws of the Fourteenth Legislative Assembly', and to Add a New Section Thereto to Be Known As Section 7A, Relating to New Trials and Appeals, and Repealing Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Relating to Financial Aid in the Care of Dependent Children, and Repealing Chapter 198 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Relating to Mothers' Pensions and the Care of Dependent Children"	571
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267	289	Senate	An Act Providing That a Physician, as Herein Defined, to Whom Has Been Granted a Permit to Use, Prescribe, Dispose of, Purchase, Sell or Obtain Intoxicating Liquors for Medicinal Purposes Under the Terms and Provisions of An Act of Congress Enacted into Law on the 28th Day of October, 1919, Entitled 'An Act to Prohibit Intoxicating Beverages, and to Regulate the Manufacture, Production, Use and Sale of High-proof Spirits for Other Than Beverage Purposes, and to Insure an Ample Supply of Alcohol and Promote Its Use in Scientific Research and in the Development of Fuel, Dye, and Other Lawful Industries,' May Lawfully Use, Prescribe, Dispose of, Purchase, Sell or Obtain Intoxicating Liquors for Medicinal Purposes Only as in Said Permit Provided; and Providing That Any Person to Whom Has Been Granted a Permit to Sell or Dispose of Intoxicating Liquors for Medicinal Purposes Under the Terms and Provisions of Said Act of Congress, May Lawfully Sell, Dispose of, Transport or Import Intoxicating Liquors for Medicinal Purposes; Providing That Nothing Herein Contained Will Compel Any Retail Druggist or Pharmacist to Handle Whiskey, Rum, Brandy, Ale, Beer, Wine or Any Compound Thereof Capable of Use As a Beverage, and Repealing All Acts or Parts of Acts in Conflict Herewith	609

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APPENDIX

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CONSTITUTIONAL AMENDMENT.
"An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section Five of Article Eleven of the Constitution of the State of Montana, Providing That Ninety-Five Per Centum of All the Interest Received on the School Funds of the State and Ninety-Five Per Centum of all the Other Income from the School Funds of the State Shall Be Apportioned to the Several School Districts of the State; and Further Providing That the Remaining Five Per Centum of All the Interest Received on the School Funds of the State and the Remaining Five Per Centum of all the Other Income from the School Funds of the State Shall Be Added to the Public School Funds of the State and Become a Permanent Part Thereof"..... 694

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"An Act Establishing Athletic Commissions, and Regulating Boxing, Sparring and Wrestling in the State of Montana, and Providing That Fifty Per Cent of the Net Receipts Realized from Such Exhibitions Shall Be Paid Into the State Treasury and Be Held and Used for the Support and Maintenance of a Home for Returned and Disabled Soldiers, Sailors and Marines of the World War and Providing for a Referendum of Said Act at a Special Election to Be Held on the First Tuesday in September, 1919, Under the Provisions of the Laws of the State of Montana" 695

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"A Bill to Enact by the Initiative a Law to Increase the Rate of Taxation on Real and Personal Property for State Purposes One and One-half (1½) Mills on Each Dollar of Valuation for a Period of Ten Years, Beginning with the Year 1921, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of Not Exceeding Three and One-half (3½) Mills on Each Dollar of valuation, and to Appropriate the Money Derived from One and One-half (1½) Mills of Such Levy for Each Year During Such Period for the Support, Maintenance and Improvement of the Institutions Now Comprised in the University of Montana"..... 700

INITIATIVE NO. 19.
"A Bill to Enact by the Initiative a Law to Authorize the State of Montana to Become Indebted in the Sum of Five Million Dollars ($5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings at the Several Educational Institutions of the State of Montana Now Under the Control of the State Board of Education, and Consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds; and Providing for the Levying of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon"..... 701

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SESSION LAWS

CHAPTER 1.

An Act Authorizing the State Board of Examiners to be Empowered to Invest any Available Moneys in the Following Funds: State Banking Fund, Escheated Estate Fund, Fish and Game Fund, State Insane Asylum Bond Fund, State Insane Asylum and Tuberculosis Sanitary Improvement Bond Fund, State Land Office Expense Fund or War Defense Fund, in the Hands of the State Treasurer in State General Fund Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Examiners authorized to invest funds named in State warrants.

Section 1. That the State Board of Examiners be, and is hereby empowered, to invest any moneys available, in the following funds: State Banking Fund, Escheated Estate Fund, Fish and Game Fund, State Insane Asylum Bond Fund, State Insane Asylum and Tuberculosis Sanitary Improvement Bond Fund, State Land Office Expense Fund or War Defense Fund, in the hands of the State Treasurer in State General Fund Warrants.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect and be in full force from and after its passage and approval.

Approved January 13, 1921.

CHAPTER 2.

An Act Relating to Taxation and the Regulating of the Sale of Property for Taxes Delinquent in the Year

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1920, and Remitting the Penalty for Such Delinquent Taxes for said Year if Paid Before October 1st, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax Sales for delinquencies of 1920.

Section 1. No property upon which taxes of any sort have been levied in the State of Montana for the year 1920 shall be sold for such delinquent taxes until the first day of October, 1921.

Notice to be published that sales will be postponed until when.

Section 2. All County and City Treasurers are required to publish a notice for three consecutive weeks in the official newspapers in their respective counties or cities to the effect that the time of such tax sale in their respective counties or cities is postponed until the first day of October 1921, and all existing laws of the state relative to the place and manner of sale of property for delinquent taxes shall apply to and cover said tax sales made on said date.

Penalties for delinquency remitted until October, 1921.

Section 3. That the penalty of ten (10) per cent heretofore added to all taxes delinquent for the year 1920 is hereby remitted until the first day of October 1921, at which time such penalty shall be added to all such taxes then remaining unpaid; provided, that in all cases where such penalty has been paid on taxes delinquent for the year 1920, such penalty shall be refunded by the Board of County Commissioners, or the City Council, as the case may be, upon claims filed therefor in the same manner as other claims are filed, as required by law; Provided, further, that no such claim for refund shall be allowed on any claims filed after June 1st, 1921; Provided further, that all delinquent taxes for the year 1920 shall bear interest at the rate of one per cent per month from November 30th, 1920, until paid.

Penalties collected for delinquency of 1920 to be refunded.

Claims to be filed for refund, to be filed before when.

Interest on delinquent taxes.

Section 4. That this Act shall take effect and be in full force from and after its passage and approval.

Approved January 13, 1921.

CHAPTER 3.

An Act to Amend Section 11 of Chapter 146 of the Montana Session Laws of 1909 as Amended by Section 4 of Chapter 153 of the Montana Session Laws of 1917 Relating to the Creation, Organization, Government and Extension of Irrigation Districts; Providing for a Three Year Term of Office of Commissioners and

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for the Expiration of Their Terms of Office in Successive Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4 of Chapter 153 of Laws of 1917.

Section 1. That Section 11 of Chapter 146 of Montana Session Laws of 1909 as amended by Section 4 of Chapter 153 of the Montana Session Laws of 1917 be and the same is hereby amended to read as follows:

Date of election of Commissioners of Irrigation Districts.

Commissioners shall meet and organize when.

Qualifications of secretary.

Term of office of Commissioners.

Electors.

Terms of Commissioners of respective districts.

Section 11. First Election of Commissioners—Regular Election—Term of Office.—The regular election for commissioners in each district shall be held annually on the first Saturday in April of each year; and on the third Saturday in April following their election the commissioners shall meet and organize as a Board by electing a president from their number and a secretary who may or may not be a commissioner and who shall each hold office during the pleasure of the Board. The term of office of each commissioner shall begin on the third Saturday in April after the regular election and shall continue for three years and until the election and qualification of his successor. Commissioners are elected by the electors of the entire district. At the regular election for commissioners held in April 1921 there shall be elected one commissioner for the first division of each district who shall hold his office for the term of one year, one commissioner for the second division of each district who shall hold his office for the term of two years and one commissioner for the third division of each district who shall hold his office for the term of three years: and if there be five divisions in a district one commissioner shall be elected for the fourth division who shall hold his office for two years and one commissioner shall be elected for the fifth division who shall hold his office for three years; and if there be seven divisions in a district one commissioner shall be elected for the sixth division who shall hold his office for two years and one commissioner shall be elected for the seventh division who shall hold his office for three years. Not less than twenty days prior to the expiration of the terms of office for which the first commissioners were appointed by the court an election shall be called and held in said district in the manner herein provided for the calling and holding of regular elections at which time one commissioner for each division of the district shall be elected by the electors of the entire district. The commissioners so

Elections shall be called when.

Manner of calling and holding in the first district.

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elected shall hold their respective offices for the ensuing term of three years from the third Saturday in April of the year succeeding their election. At the last regular election date in the term for which the first elected commissioners were elected there shall be elected one commissioner for the first division of each district who shall hold his office for the term of one year, one commissioner for the second division of each district who shall hold his office for the term of two years and one commissioner for the third division of each district who shall hold his office for the term of three years; and if there be five divisions in a district one commissioner shall be elected for the fourth division who shall hold his office for two years and one commissioner shall be elected for the fifth division who shall hold his office for three years; and if there be seven divisions in a district one commissioner shall be elected for the sixth division who shall hold his office for two years and one commissioner shall be elected for the seventh division who shall hold his office for three years.

One commissioner for the first division of each district.

Respective terms of commissioners.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 22nd, 1921.

CHAPTER 4.

An Act Amending Sections 3, 4, 15, 16, and 17 of the Revised Codes of Montana of 1907 and Repealing Sections 8059, 8095, 6213, 6214, 8061, 11, 6219, 6220, 8068, 6221, 8069, 6222, 8070, 6224, 8071, 6234, 8090, 8072, 8073, 117, 6230, 6231, and 8076 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3 of Revised Codes of 1907.

Section 1. That Section 3 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

No law shall be retroactive excepting, when.

"Section 3. No law contained in any of the codes or other statutes of Montana is retroactive, unless expressly so declared."

Section 2. That Section 4 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

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"Section 4. The rule of the common law that statutes in derogation thereof are to be strictly construed has no application to the codes or other statutes of the state of Montana. The Codes establish the law of this state respecting the subjects to which they relate and their provisions and all proceedings under them are to be liberally construed with a view to effect their objects and to promote justice."

Rule of Statutory construction.

Codes to be construed liberally.

Section 3. That Section 15 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 15. Words and phrases used in the Codes or other statutes of Montana are construed according to the context and the approved usage of the language; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in law, or are defined in the succeeding section, as amended, are to be construed according to such peculiar and appropriate meaning or difinition."

Words and phrases are to be construed how.

Technical words and phrases to be construed how.

Section 4. That Section 16 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 16. Words used in the Codes in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word person includes a corporation as well as a natural person; writing includes printing; oath includes affirmation or declaration, and every mode of oral statement under oath or affirmation is embraced in the term "testify", and every written one in the term "depose"; signature or subscription includes mark when the person cannot write, his name being written near it, and written by a person who writes his own name as a witness. The following words also have in the Codes the signification attached to them in this section, unless otherwise apparent from the context:

Definitions and construction to be given certain words.

1. The word "property" includes property real and personal.

2. The words "real property" are co-extensive with lands, tenements, hereditaments and possessory titles to public lands.

3. The words "personal property" include money, goods, chattels, things in action and evidence of debt.

4. The word "year", as used in the Codes, means a

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calendar year, and a "month", a calendar month, unless otherwise expressed. Fractions of a year are to be computed by the number of months, thus, half a year is six months. Fractions of a day are to be disregarded in computations which include more than one day and involve no questions of priority.

5. The word "state", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories.

6. The word "will" includes codicils.

7. The word "writ" signifies an order or precept in writing, issued in the name of the state, or of a court or judicial officer; and the word "process" a writ or summons issued in the course of judicial proceedings.

8. The word "vessel", when used in reference to shipping, includes ships of all kinds, steamboats and steamships, canal boats and every structure adapted to be navigated from place to place.

9. The term "peace officer" signifies any of the officers mentioned in Section 8924 of the Penal Code.

10. The term "magistrate" signifies any one of the officers mentioned in Section 8923 of the Penal Code.

11. The word "several" as used in the Codes in relation, means two or more.

12. The words "third persons", as used in the Codes, include all who are not parties to the obligation or transaction concerning which the phrase is used.

13. Usage, within the meaning of the Codes, is a reasonable and lawful public custom concerning transactions of the same nature as those which are to be affected thereby, existing at the place where the obligation is to be performed, and either known to the parties or so well established, general and uniform, that they must be presumed to have acted with reference thereto.

14. The words "usual" and "customary", as used in the Code, mean, "according to usage."

Section 5. That Section 17 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Statutes, Laws and Rules continued in force or abrogated when.

"Section 17. No statute, law or rule is continued in force because it is consistent with the provisions of the Codes on the same subject, but in all cases provided for by the Codes all statutes, laws and rules heretofore in force in this State, whether consistent or not with the

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provisions of the Codes, unless expressly continued in force by them are repealed and abrogated. This repeal or abrogation does not revive any former law heretofore repealed, nor does it affect any right already existing or accrued, or any action or proceeding already taken, except as in the codes provided, nor does it affect any private statute not expressly repealed."

Sections of Revised Codes of 1907 repealed.

Section 6. That Sections 8059, 8095, 6213, 6214, 8061, 11, 6219, 6220, 8068, 6221, 8069, 6222, 8070, 6224, 8071, 6234, 8090, 8072, 8073, 117, 6230, 6231, and 8076 of the Revised Codes of Montana of 1907 are hereby repealed.

Approved January 26, 1921.

CHAPTER 5.

An Act Amending Section 50 of the Revised Codes of Montana of 1907, Relating to Number and Designation of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Clause.

Section 1. That section 50 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Legislative Assembly to be composed of whom.

"Section 50. The legislative assembly consists of senators and representatives elected from the several senatorial and representative districts of the state in the number specified by law."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 6.

An Act Amending Section 41 of the Revised Codes of Montana of 1907, Relating to Senatorial Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section.

Section 1. That Section 41 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Senatorial districts.

"Section 41. Each county of the State of Montana shall constitute a senatorial district and each senatorial district is entitled to one senator."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 7.

An Act Amending Section 325 of the Revised Codes of Montana of 1907, Relating to the Official Bonds of Notaries Public and Repealing Section 324 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 325 of the Revised Codes of Montana of 1907 is hereby amended to read as follows:

"Section 325. Each notary public must give an official bond in the sum of one thousand dollars, which bond must be approved by the secretary of state. Upon the approval of said bond and the filing in the office of the secretary of state of the official oath of such notary public the governor shall issue a commission."

Official Bond of Notary Public.

Oath of Office.

Section 2. That Section 324 of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing Section.

Approved January 26, 1921.

CHAPTER 8.

An Act Amending Section 419 of the Revised Codes of Montana of 1907, Relating to Resignation of Public Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 419 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Resignation of public officers.

"Section 419. Resignations must be in writing and made as follows:

Governor and lieutenant governor.

1. By the governor and lieutenant-governor, to the legislative assembly, if it is in session; and if not, then to the secretary of state.

Commissioned State officers.

2. By all officers commissioned by the governor, to the governor.

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3. By senators and members of the house of representatives, if the legislative assembly is not in session, to the governor; if it is in session, to the presiding officer of the branch to which the member belongs, who must immediately transmit the same to the governor. Members of the Legislature.

4. By all county and township officers not commissioned by the governor, to the clerk of the board of commissioners of their respective counties. County and Township Officers.

5. By all other appointed officers, to the body or officer that appointed them. By appointive officers.

6. In all cases not otherwise provided for, by filing the resignation in the office of the secretary of state." In all other cases.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 9.

An Act Amending Section 443 of the Revised Codes of Montana of 1907, Relating to the Reports of Public Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 443 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows: Amending clause.

"Section 443. All officers, boards of officers, commissioners, trustees and directors required by law to make reports to the governor or legislative assembly, must send such reports to the governor annually on or before the tenth day of December of each year which report shall include the transactions of such board or officers for the fiscal year." Annual reports of officers.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 10.

An Act Amending Section 666 of the Revised Codes of Montana of 1907, Relating to the University of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 666 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

State University; designation of.

"Section 666.—Establishment and Purpose of the State University.—The state educational institution located at Missoula and heretofore designated as the university of Montana shall hereafter be known and designated as the state university and shall constitute one of the component institutions of the university of Montana. The

Object and course of instruction.

state university has for its object instruction of young men and women on equal terms in all the departments of science, in literature, the arts and industrial and professional education."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 11.

An Act Amending Section 790 of the Revised Codes of Montana of 1907, Relating to the Payment for Securities Purchased with State Normal School Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section.

Section 1. That Section 790 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Investments of funds of State Normal School.

"Section 790. Securities, How Paid for.—Whenever any securities are purchased with state normal school funds and the same are duly executed and delivered to the president of the state board of land commissioners

Warrant drawn in payment for securities purchased.

the board shall direct the state auditor to draw his warrant upon the state treasurer for the amount thereof, specifying the fund upon which, and the person in whose favor the said warrant shall be drawn, whereupon the state auditor shall draw a warrant upon the state treas-

To be delivered to whom.

urer accordingly, which warrant shall be delivered to the president of the state board of land commissioners, and shall be paid by the state treasurer upon the delivery to him of the purchased securities; provided, that

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the state treasurer shall purchase interest-bearing warrants issued against any fund whenever ordered so to do by the state board of land commissioners."

Duty of State Treasurer to purchase warrants, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 12.

An Act Amending Section 1639 of the Revised Codes of Montana of 1907, as amended by Chapter 30 of the Acts of the Thirteenth Legislative Assembly of Montana of 1913 Relating to the Appointment and Compensation of Boiler Inspectors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1639 of the Revised Codes of Montana of 1907, as amended by Chapter 30 of the Acts of the Thirteenth Legislative Assembly of Montana of 1913, be and the same is hereby amended to read as follows:

Amending Section 1639 of Revised Codes of 1907.

"Section 1639. The industrial accident board shall appoint not to exceed four inspectors of boilers and shall prescribe their term of office and fix their compensation."

Number of inspectors of boilers who may be appointed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 13.

An Act Amending Section 1909 of the Revised Codes of Montana of 1907, Relating to the Creation of the State Bounty Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1909 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section.

"Section 1909. For the purpose of providing for the payment of bounty claims there is hereby created a

State Bounty Fund created.

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To consist of what funds.

fund to be known as the state bounty fund which shall consist of five per cent. of all license money collected by the several county treasurers of the state and said money shall be paid over by said county treasurers to the state treasurer and shall by the latter be deposited in the state bounty fund."

Duty of County Treasurer.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 14.

An Act Defining the Standard Ton and Standard Bushel of Various Commodities and Providing Penalties for Demanding, Exacting, or Taking More Than the Prescribed Number of Pounds per Bushel or Ton Fixed by the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Standard ton.

Section 1. The standard ton consists of twenty hundred pounds, but a ton of mineral coal is expressed by the conventional quantity of twenty-six and one-third bushels of seventy-six pounds each. A bushel of the articles hereinafter named consists of the number of pounds affixed to each, to-wit:

Standard bushel.

	Pounds
Apples and Pears	45
Beans	60
Bran	20
Carrots	50
Barley	48
Beets	50
Buckwheat	52
Coal, Mineral	76
Corn, in the ear	70
Cornmeal	50
Lime, unslacked	80
Oats	32
Parsnips	50
Peas	60
Salt	50
Corn, shelled	56
Hay, per ton	2000

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Malt	30
Onions	57
Potatoes	60
Rye	56
Seeds	
Blue-grass	14
Timothy	45
Hemp	44
Turnips	50
Clover	60
Hungarian Grass	50
Flax	56
Wheat	60

Penalty for taking more than prescribed weights or measures.

Section 2. Any person, persons, company, or corporation who shall demand, exact, or take more than the prescribed number of pounds per bushel or per ton as fixed by the provisions of the preceding section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 15.

An Act Amending Section 2119 of the Revised Codes of Montana of 1907, and Repealing Sections 2121, 2122, 2123, 2124, 2125, 2134, 2135, 2136 and 2137 of the Revised Codes of Montana of 1907, Relating to Auctions and Auctioneers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section.

Section 1. That section 2119 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Auctioneer: who may become.

"Section 2119. Any citizen of this state may become an auctioneer, and be authorized to sell real or personal property at public auction in any county in this state, on giving a bond in accordance with the provisions of this article for the faithful performance of his duties."

Bond to be given.

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Repealing clause.

Section 2. Sections 2121, 2122, 2123, 2124, 2125, 2134, 2135, 2136, and 2137 of the Revised Codes of Montana of 1907 and all acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 16.

An Act Amending Section 2081 of the Revised Codes of Montana of 1907, Relating to the Establishment of Fire Districts in Unincorporated Towns and Villages.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 2081 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Fire districts may be established by whom, and when.

Special tax levy.

Money to be paid out on what warrants.

By-laws to govern the drawing of warrants.

Provisions of section shall not apply to what.

"Section 2081. Fire protection—Establishment of Fire Districts.—The board of county commissioners are authorized to establish fire districts in any unincorporated town or village, and at the time of the annual levy of taxes may levy a special tax upon all the property within such districts for the purpose of buying apparatus and maintaining the fire department of any such town or village, and such tax must be collected as are other taxes. All moneys so collected by the county treasurer shall be disbursed by him upon warrants signed by the treasurer of the fire company and countersigned by its foreman. In the drawing of such warrants against the funds so collected by the county treasurer, the foreman and treasurer of the fire company shall be governed by the by-laws of such fire company. It is provided that the provisions of this section shall not apply to payment of bonds and interest thereon as provided by Chapter 107 of the laws of the twelfth legislative assembly of the state of Montana."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

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CHAPTER 17.

An Act Amending Section 2075 of the Revised Codes of Montana of 1907, Relating to Penalty for Failure to Comply With Orders of the Fire Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2075 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows: Amending section.

"Section 2075. When any chimney, stove, stovepipe, oven, furnace, boiler, or appurtenance thereto is defective, out of repair, or so placed in any building as to endanger it or any other building by communicating fire thereto, the fire-warden, on complaint of any citizen, either orally or in writing, or upon his own examination, or other satisfactory proof, must give written notice to the owner or occupant of the building or premises, directing the owner or occupant to repair the same so as to make it secure against accident by fire; and he may in the notice require the occupant or owner to replace any defective flue or stovepipe with a new and safe one; and if the occupant or owner neglects for the space of three days to comply with the terms of said notice, he is guilty of a misdemeanor and punishable accordingly." Duty of fire warden concerning defective chimneys, furnaces, etc. Notice to owner or occupant of buildings. Failure of occupant to comply, a misdemeanor.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 18.

An Act to Amend Section 7600 of the Revised Codes of Montana of 1907, as Amended by Chapter 187 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7600 of the Revised Codes of Montana of 1907, as amended by Chapter 187 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919, be and the same is hereby amended to read as follows: **Amending section.**

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Administrator or executor may borrow money on real estate, when and how.

"Section 7600. Whenever, in any estate now being administered, or that may hereafter be administered, it shall appear to the District Court, or a judge thereof, to be for the advantage of the estate to raise money upon a note or notes, to be secured by mortgage of the real property of any decedent, or any part thereof, or to make a lease of said realty, or any part thereof, the court or judge, as often as occasion therefor shall arise in the administration of any estate, may, on a petition, notice and hearing as provided in this article, authorize, empower and direct the executor or administrator to mortgage such real estate, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof."

Power and duty of District Court.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 19.

An Act Amending Section 1 of Chapter 107 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, Relating to Bonding Fire Districts in Unincorporated Towns and Villages.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section.

Section 1. That Section 1 of Chapter 107 of the Laws of the Twelfth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Fire Districts.

"Section 1. Whenever the board of county commissioners shall have established fire districts in any unincorporated town or village, said board of county commissioners shall be and is hereby constituted ex officio a board of directors of such fire district. The board of directors of any duly established fire district in unincorporated towns or villages within this state shall, whenever a majority of the directors so decide, submit to the electors of the district the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three per cent. of the taxable property in said district, and bearing a certain rate of interest not exceeding six per cent. per annum, and pay-

County Commissioners constituted a board of directors.

Election for bond issue to be called when.

Limit in amount of bonds which may be issued.

Interest and conditions of bonds.

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able and redeemable at a certain time, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes, and establishing pipe-lines. No such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue."

Money may be used for what purposes.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 20.

An Act Amending Sections 2, 14, 23 and 24 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of Montana of 1911, Relating to the State Coal-Mine Inspector and Repealing Section 25 of Said Chapter and all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Amending Section 2 of Act.

"Section 2. The industrial accident board shall appoint a coal-mine inspector and shall fix his compensation and term of office."

Appointment and compensation of coal mine inspectors.

Section 2. That Section 14 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Amending Section 14.

"Section 14. If the court finds that the said state coal-mine inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the court shall certify the same to the industrial accident board, who shall declare the office of said state coal-mine inspector vacant, and proceed in compliance with the provisions of this act to fill the vacancy; and the costs of such investigation shall, if the charges are sustained, be imposed upon the said state coal-mine inspector."

Duty of court to certify findings to accident board, when.

Duty of board to declare office vacant.

Vacancy to be filled.

Section 3. That Section 23 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Amending Section 23.

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State coal mine inspector to be appointed from certified names.

Term of office.

"Section 23. The industrial accident board shall, from the names certified to them by the said board of examiners, appoint a state coal mine inspector for the state of Montana, who shall hold office at the pleasure of said board."

Amending Section 24.

Section 4. That Section 24 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Industrial Board to appoint board of examiners when.

"Section 24. Every four years the industrial accident board shall in the manner provided in Section 15 appoint a board of examiners to pass upon the qualifications of applicants for coal-mine inspector, which board shall be constituted, sworn and paid and shall perform the same duties as the board provided for in Section 15 of this act, during the term for which they were appointed."

Compensation, oath and duties of board.

Repealing clause.

Section 5. That Section 25 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of Montana of 1911, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved January 26, 1921.

CHAPTER 21.

An Act Amending Section 10 of the Revised Codes of Montana of 1907, Relating to Legal Holidays and Repealing Sections 6217, 6218, 8065 and 8066 of the Revised Codes of Montana of 1907 and All Acts and parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 10 of the Revised Codes of Montana of 1907, is hereby amended to read as follows:

Legal holidays defined.

"The following are legal holidays in the state of Montana, to-wit: Every Sunday; the first day of January (New Years Day); the twelfth day of February (Lincoln's Birthday); the twenty-second day of February (Washington's Birthday); the thirtieth day of May (Memorial Day); the fourth day of July (Independence Day); the first Monday of September (Labor Day); the twelfth day of October (Columbus Day); the eleventh

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day of November (Armistice Day); the twenty-fifth day of December (Christmas Day); every day on which a general election is held throughout the state and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If any of the holidays herein enumerated (except Sunday) fall upon a Sunday, the Monday following is a holiday. All other days than those herein mentioned are to be deemed business days for all purposes."

Holiday following on Sunday.

Section 2. Nothing herein contained shall be deemed to amend or change the provisions of section 1300 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, said section being hereby expressly declared to define legal holidays for school purposes only.

School holidays not affected by Act.

Approved January 27, 1921.

CHAPTER 22.

An Act Amending Section 1711 of the Revised Codes of Montana of 1907, as Amended by Chapter 71 of the Acts of the Eleventh Legislative Assembly of Montana of 1909, Relating to the Appointment, Term of Office, and Compensation of Inspectors of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1711 of the Revised Codes of Montana of 1907, as amended by Chapter 71 of the Acts of the Eleventh Legislative Assembly of Montana of 1909, be and the same is hereby amended to read as follows:

Naming Act amended.

"Section 1711.—The industrial accident board shall appoint not to exceed two inspectors of quartz mines and shall prescribe their term of office and fix their compensation."

Inspectors of quartz mines; number to be appointed.

Section 2. All acts and parts of acts in conflict herewith are hereby reepealed.

Approved January 27, 1921.

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CHAPTER 23.

An Act Amending Section 1912 of the Revised Codes of Montana of 1907, Relating to Penalties for Fraudulent Bounty Claims.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 1912 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Bounty on skins.

Fraudulent scalps or skins.

Officer to examine scalps and skins before signing certificate.

Misdemeanor.

Informer to receive two-thirds of fine.

"Section 1912. Any person or persons who shall patch up any skin or scalp, or who shall present any punched or patched skin or scalp, or who shall bring in any skin or skins from other states or territory, with intent to obtain the bounty on same fraudulently, or any officer who shall sign any certificate herein provided for without first counting the skins and examining same to determine the kind of skins, and to see that the skin from the scalp or head is properly severed and preserved as hereinbefore provided, or shall evade or violate any provision of any law of the state of Montana relative to bounties or bounty claims, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment and that two-thirds of the fine, if the same is collected, or can be collected, shall be given to the informer, and the balance be converted into the state bounty fund."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 24.

An Act Amending Section 2529 of the Revised Codes of Montana of 1907, Relating to the Assessment of Railroads, Telegraph, Telephone, and Electric Light Lines.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 2529 of the Revised Codes of

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Montana of 1907 be and the same is hereby amended to read as follows:

"Section 2529. Railroads, Telegraph, Telephone, and Electric Light Lines—Railroads operated or situated in one county and not assessed by the State board of equalization, teleghaph, telephone, and electric light lines and similar properties situated in one county, and their franchises; canals, ditches, and flumes, situated in one county and the franchises of the same, must be listed and assessed in the county in which such property is located, and the assessor must require the owner of such property, or his agent, or any officer of a corporation owning the same, to make a verified statement containin a list of the number of miles such property is operated or situated in the county, and the value thereof.".

Assessment of railroads, telephone and telegraph lines, electric lines, ditches, and canals situated wholly in one county.

Duty of assessor.

Verified statement of owner.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 25.

An Act Amending Section 2780 of the Revised Codes of Montana of 1907, Relating to the Penalty for Doing Business in the State of Montana Without a License.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2780 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Naming law amended.

"Section 2780. Every person who commences or carries on a business, trade, profession, or calling, for the transaction or carrying on of which a license is required by the provisions of any of the license laws of the state of Montana, without taking out or procuring such license is guilty of a misdemeanor, and shall, unless specific punishment is prescribed by some other law of this state, be punishable as in the case of other misdemeanors and in addition thereto shall be liable to a penalty of ten per cent. of the amount of said license, which said penalty must be added to the amount of said license, and collected by the county treasurer at the time of the collection of the license, but the payment of said penalty

Doing business without a license when required.

Penalty.

Additional per cent added to be collected.

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shall in no event relieve any person from prosecution for such misdemeanor."

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 26.

An Act Amending Section 2770 of the Revised Codes of Montana of 1907, Relating to Licenses of Manufacturers of Non-intoxicating Malt Liquors, Pop, Soda Waters and Other Light Drinks.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That section 2770 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

License required for selling soft drinks in bottles.

"Section 2770. Every manufacturer of non-intoxicating beverages, pop, soda waters, or other light drinks put up in bottles or other containers, in all cities having a population of ten thousand people or over, shall pay a license of sixty dollars semi-annually; in all cities or towns of more than five thousand and less than ten thousand in population, shall pay a license of forty dollars semi-annually; and in all cities or towns with a population of less than five thousand, shall pay a license of twenty-five dollars semi-annually."

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 27.

An Act Amending Section 2855 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That section 2855 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

"Section 2855. When the returns have been received

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and compared, and the results ascertained by the board, if a majority of the qualified electors of the county have voted in favor of any particular place, the board must give notice of the results by posting notices thereof in all the election precincts of the county, and by publishing a like notice in a newspaper printed in the county at least once a week for four weeks."

Election to remove county seat.

Notice of result to be how and by whom.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 28.

An Act Amending Section 2883 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 2883 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Naming law amended.

"Section 2883. Whenever a vacancy occurs in the board of county commissioners from a failure to elect or otherwise, the district judge or judges in whose district the vacancy occurs must fill the vacancy, and such appointee shall hold office until the next general election."

Vacancies in board of county commissioners to be filled by whom.

Term of office.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 29.

An Act Amending Section 3290 of the Revised Codes of Montana of 1907, Relating to the Granting of Special Privileges by City and Town Councils.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 3290 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Naming law amended.

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Franchises in cities; to be granted when and by whom.

"Section 3290. The council must not grant a franchise or special privilege to any person save and except in the manner specified in the next section. The powers of the council are those only expressly prescribed by law and those necessarily incident thereto."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER, 30.

An Act Amending Section 4022 of the Revised Codes of Montana of 1907, Relating to Licenses of Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That section 4022 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Agent or officer collecting insurance without first obtaining a license.

"Section 4022. If any officer, trustee, agent, or other person shall, directly or indirectly, collect any premium for any insurance company where such company has failed to obtain a license as provided for in this act; or where such company shall have failed to obtain a license as provided for in this act; or where such company has collected premiums in excess of the amount already provided for in the license already obtained, such person shall be deemed guilty of a misdemeanor and upon conviction shall be punishable accordingly; provided, however, that any company which has collected premiums in excess of the sum of five thousand dollars in any year without having obtained a license authorizing it so to do, may at the time it files its annual statement pay to the state auditor the amount of the license due the state for such excess premiums."

Collecting excess premiums.

When company may pay license on filing annual report.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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CHAPTER 31.

An Act Amending Section 4043 of the Revised Codes of Montana of 1907, Relating to Approval of Articles of Incorporation by State Insurance Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That section 4043 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Articles of incorporation of insurance companies; filing, recording and certifying.

Changes and amendments.

"Section 4043. Approval of Insurance Commissioner of Articles.—When the articles of incorporation shall have received the approval of the Insurance Commissioner, such articles, with said approval, must be filed, recorded, and certified, as required by law for the filing of articles of incorporation. All proposed amendments and changes in such articles of incorporation must likewise be submitted to the Insurance Commissioner and approved by him before the same became effective."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 32.

An Act Amending Section 4083 of the Revised Codes of Montana of 1907, Relating to Applications for Insurance and the Liability of Members of Mutual Hail Insurance and Mutual Fire, Lightning, and Other Casualty Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 4083 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Application for insurance in mutual farm companies; requirements of

"Section 4083. Policies—Liability of Members.—All persons desiring insurance shall make applications in writing, and give their obligations to the company for the payment of losses and expenses as shall be required by the by-laws of such company; all liability of the members may be limited by the by-laws of such company; provided, that in case the whole amount of such obliga-

When losses shall be prorated.

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tion shall be insufficient to pay all losses sustained after necessary expenses in any year, then sufferers insured by such company shall receive their proportionate share of the funds realized from such obligation in full satisfaction of such losses, and no member shall ever be called on to pay more than the full amount of his obligation."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 33.

An Act Amending Section 4683 of the Revised Codes of Montana of 1907, Relating to the Constructive Notice of Recorded Conveyances.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 4683 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Recorded conveyances of real property constructive notice to whom.

"Section 4683. Every conveyance of real property acknowledged or proved, and certified and recorded as prescribed by law, from the time it is filed with the county clerk for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees; and a certified copy of any such recorded conveyance may be recorded in any other county, and when so recorded the record thereof shall have the same force and effect as though it was of the original conveyance."

Certified copies may be recorded where.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 34.

An Act Amending Section 6254 of the Revised Codes of Montana of 1907, Relating to Concurrence of Justices of the Supreme Court in the Issuance of Writs and Transaction of Business.

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Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 6254 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Supreme Court, a concurrence of a majority of the justices necessary when.

"Section 6254. The concurrence of a majority of the justices of the supreme court is necessary for the issuance of any writ, or the transaction of any business, except such as can be done at chambers; provided, that each of the justices has power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or judge thereof, or before any district court in the state, or any judge thereof."

Who may issue writ of habeas corpus.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 35.

An Act Amending Section 6285 of the Revised Codes of Montana of 1907, Relating to Bonds and Oaths of Office of Justices of the Peace.

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 6285 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Bond of justice of the peace.

"Section 6285. Every justice of the peace elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office, be required to execute an undertaking to the state of Montana in the penal sum of two thousand dollars, with at least two sufficient sureties, who shall justify according to law, and which said undertaking shall be approved by the county clerk, and, in addition, such justice shall take the constitutional oath of office which oath or affirmation shall be endorsed upon his official undertaking, which shall be filed with the county clerk."

Official oath.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed..

Approved January 27, 1921.

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CHAPTER 36.

An Act Amending Section 6806 of the Revised Codes of Montana of 1907, Relating to the Contents of the Judgment Roll.

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 6806 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Clerk of District Court; duty as to judgment roll.

"Section 6806. Immediately after entering the judgment the clerk must attach together and file the following papers, which constitute the judgment roll:

Judgment roll when defendant has appealed.

1. In case no defendant has appeared, the summons, with the affidavit or proof of service, and the complaint, with a memorandum endorsed thereon, that the default of the defendant in not answering was entered, and a copy of the judgment.

Judgment roll in all other cases.

2. In all other cases, the pleadings, a copy of the verdict of the jury, or finding of the court, or referee, all bills of exceptions taken and filed, all orders, matters, and proceedings deemed excepted to without bill of exceptions, and a copy of any order made on demurrer, or relating to a change of parties, and a copy of the judgment. If there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of service of it upon such defendant, must also be added to the other papers mentioned in this sub-division."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 37.

An Act Amending Section 6988 of the Revised Codes of Montana of 1907. Relating to the Change of the Place of Trial of Civil Actions in Justices' Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That section 6988 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

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"Section 6988. The place of trial cannot be changed, on motion of the same party, more than once, upon any or all the grounds specified in the first, second and third subdivisions of the preceding section. The affidavit mentioned in subdivisions one and three of the preceding section must state the facts; the affidavit mentioned in subdivision two of said section need not state the facts and the filing thereof shall be sufficient to divest the justice as to whom such disqualification is alleged of authority to try the case."

One change of venue on motion of the same party.

What affidavit must contain.

Court divested of jurisdiction when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 38.

An Act Amending Section 7060 of the Revised Codes of Montana of 1907, Relating to the Time of Issuance of Execution from Justices' Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7060 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Section amended.

"Section 7060. Execution for the enforcement of a judgment of a justices' court may be issued by the justice who entered the judgment or his successor in office, on the application of the party entitled thereto, at any time within five years from the entry of judgment."

Execution may be issued by the justice, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 39.

An Act to Amend Section 7361 of the Revised Codes of Montana of 1907 Relating to Change of Name.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.. That Section 7361 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Section amended.

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Change of name, application to be made to whom, and how.

"Section 7361. Application for change of name, how made.—All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under twenty-one years of age, if a male, and under the age of eighteen years, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name; and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, scientific corporation, or any corporation bearing or having for its name, or using or being known by the name of, any benevolent or charitable order or society, may, by petition, apply to the district court of the county in which its articles of incorporation were originally filed, or in which the property of such corporation is situated, for a change of its corporate name. Such petition must be signed by a majority of the directors or trustees of the corporation, and must specify the date of the formation of the corporation, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings shall be had as upon applications for changes of names of natural persons, and no banking corporation hereafter organized shall adopt or use the name of any other banking corporation or association, or of any friendly association."

Applications of minors to be signed by whom.

Petition must contain what.

Change of corporate name of benevolent, religious and like societies.

Petition must be signed by whom and contain what.

Court proceedings.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 40.

An Act Amending Section 7705 of the Revised Codes of Montana of 1907, Relating to the Form and Issuance of Citations.

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 7705 of the Revised Codes of

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Montana of 1907 be and the same is hereby amended to read as follows:

"Section 7705. Citations must be directed to the person to be cited, signed by the clerk and issued under the seal of the court, and must contain:

Citation in Probate proceedings: directed to whom and issued how.

1. The title of the proceeding.

Contents of citation.

2. The style of the citations which shall be "The State of Montana."

3. A brief statement of the nature of the proceeding.

4. A direction that the person cited do appear at a time and place specified."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 41.

An Act Amending Section 8475 of the Revised Codes of Montana of 1907, Relating to Penalty for Trespassing Livestock.

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 8475 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Penalty for the violation of law concerning trespassing live stock.

"Section 8475. Any violation of the provisions of this act shall render the owner, lessee, employee or other person in control, or herder of such stock so driven or herded, or permitted to enter upon the property referred to in the preceding section, subject to a fine of not less than twenty-five dollars nor more than five hundred dollars."

Approved January 27, 1921.

CHAPTER 42.

An Act Amending Section 9780 of the Revised Codes of Montana of 1907, Relating to the Objects and Purposes of the Montana State Industrial School and Repealing Section 9781 of the Said Code.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 9780 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Purposes of Montana State Industrial School.

"Section 9780. Said school shall be for the keeping and reformatory training of all youths between the ages of eight and twenty-one years who are residents of the State of Montana and who have been regularly committed to said school by a duly authorized court. Such youths shall be presented to the presiding officer of said school by an accompanying officer, parent, or guardian who shall likewise exhibit a certificate of commitment from the court ordering same."

Youth to be presented to presiding officer by whom.

Section 2. Section 9781 of the Revised Codes of Montana of 1907 and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 43.

An Act Amending Section 9794 of the Revised Codes of Montana of 1907, Relating to the Duties of the Managing Officer of the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 9794 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Duties of the president of the State Industrial School.

"Section 9794. The president shall be present at all meetings of the local executive board after his appointment and qualification and shall there confer with the State Board of Education regarding the management and interests of the school, and shall have entire supervision of the school, subject, however, to the control of said board and shall hold his office during the pleasure of the said State Board of Education."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

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CHAPTER 44.

An Act Amending Section 3 of Chapter 54 of the Laws of the Eleventh Legislative Assembly of the State of Montana of 1909, Relating to the Sampling of Ores.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 3 of Chapter 54 of the Laws of the Eleventh Legislative Assembly of the State of Montana of 1909 be and the same is hereby amended to read as follows:

Salting ores intended for sale to a smelter.

"Section 3. Any person, or persons, corporation, association or copartnership who shall, with intent to defraud, in any manner introduce any foreign substance into any ore, or commingle any foreign substance with any ore intended for sale in any smelter or which any person, association or corporation shall have undertaken for hire to smelt; or into any sample retained for tests or assays, as in the next preceding section provided, in any manner whatever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment in the county jail for a period of not less than sixty days nor more than twelve months or by both such fine and imprisonment."

Salting samples for tests or assays.

Penalty.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 45.

An Act Amending Section 1 of Chapter 95 of the Laws of the Eleventh Legislative Assembly of the State of Montana of 1909, Relating to Medical Aid for Railroad Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 1 of Chapter 95 of the Laws of the Eleventh Legislative Assembly of the State of Montana 1909 be and the same is hereby amended to read as follows:

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Railroad employees authorized to call the nearest physician in case of injury.

"Section 1. In case any railroad trainman or employee of any railroad doing business in this state shall be injured during his regular course of employment, any employee of said railroad is hereby empowered and authorized to call upon and retain the services of the nearest practising physician or surgeon to care for and treat any such injured trainman or employee; during and until such time as one of the regularly employed and paid physicians or surgeons of such railroad corporation is able to render such service.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 46.

An Act Amending Section 2011 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, Relating to the Duty of County Assessors.

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 2011 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913 be and the same is hereby amended to read as follows:

Duty of county assessor to make report of assessment to county superintendent, when.

"Section 2011. It shall be the duty of the County Assessor in each county in the State to make a report to the county superintendent of schools within his county on or before the first day of July of each year giving the assessed valuation of the several school districts of the county for that year."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

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CHAPTER 47.

An Act Amending Sections 1 and 2 of Chapter 92 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917, Relating to the Appointment of Boiler Inspectors and Mine Inspectors.

Be it enacted by the Legislative Assembly of the State of Montana:

Naming law amended.

Section 1. That Section 1 of Chapter 92 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917 be and the same is hereby amended to read as follows:

Combining office of inspector of boilers, of mines and coal mines.

"Section 1. The offices of inspector of boilers, the office of inspector of mines, and the office of state coal mine inspector are hereby combined and placed under the general supervision of the industrial accident board."

Section amended.

Section 2. That Section 2 of Chapter 92 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917 be and the same is hereby amended to read as follows:

Number of inspectors to be appointed.

"Section 2. The industrial accident board shall appoint not to exceed four inspectors of boilers, one coal mine inspector and two inspectors of quartz mines, all of whose terms of office shall be at the pleasure of the industrial accident board."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 48.

An Act Amending Section 6 of Chapter 119 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending law concerning High School.

Section 1. That Section 6 of Chapter 119 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917 be and the same is hereby amended to read as follows:

Violation of Act a misdemeanor.

"Section 6. Penalty for Violation of Law.—Any person who shall violate any of the provisions of this chapter is guilty of a misdemeanor and punishable by a

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fine of not less than ten dollars nor more than three hundred dollars."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 49.

An Act Amending Section 4 of Chapter 99 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending law concerning the killing of live stock by railroads.

Section 1. That Section 4 of Chapter 99 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919 be and the same is hereby amended to read as follows:

Penalty for violating provisions of sections 4313, 4315 or 4317, Revised Codes 1907.

"Section 4. Any person violating any of the provisions of Section 4313, 4315 or 4317 of the Revised Codes of Montana of 1907 shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than three hundred dollars, or by imprisonment in the County jail for a period of not less than ten days nor more than sixty days, or by both such fine and imprisonment."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 50.

An Act Amending Section 26 of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919, Relating to the Grain Grading, Inspection and Warehousing Commission of the State of Montana.

Amending law relating to grain grading, inspection and warehouse commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26 of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of the State of

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Montana of 1919 be and the same is hereby amended to read as follows:

Warehouseman shall receive, without discrimination all grain offered.

"Section 26. Every public warehouseman shall receive for storage and shipment, without discrimination of any kind, so far as the capacity of his warehouse will permit, all grain tendered him in the usual course of business, in suitable condition for storage. A warehouse receipt, in form prescribed by law and the rules and regulations of this commission, shall be issued and delivered to the owner or his representative, immediately upon receipt of such load or parcel of grain."

Delivery of warehouse receipt.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 27, 1921.

CHAPTER 51.

An Act Amending Section 1727 of the Revised Codes of Montana of 1907, Relating to Enclosures on Street Cars for the Protection of Employees, and Repealing Section 1728 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending law concerning inclosures on street cars.

Section 1. That Section 1727 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Street railroads required to enclose ends of cars for protection of employees.

"Section 1727. It shall be unlawful for any person or persons, partnership or corporation, or any agent or employee of such person, or persons, of any officer, agent or employee of such co-partnership or corporation, owning or operating any street railway in this State, using steam, cable, electric or other cars to cause, permit or require to be used upon said railway between November first of each year and May first of the following year any car or cars upon which the constant service, attention, or care of any employee is required, unless such car or cars shall be provided with a proper and sufficient enclosure constructed of wood, iron, glass or other suitable material, in such manner as to protect such employee or employees from exposure to the inclemencies of the weather. Such enclosures shall be so constructed as not to obscure the vision of the person operating the car, and during a fog or fall of snow sufficient to obscure the view of the

Manner of construction.

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motorman he may be allowed to remove the glass in his immediate front so that such obstruction shall not prevent the safe operation of the car. The type of cars known as open cars or summer cars must be equipped with a wind-shield constructed of glass, iron, wood, or other suitable material extending completely across the front of said car to protect such employees from exposure to the inclemencies of the weather.

Wind shield required on open summer cars.

Repealing section.

Section 2. That Section 1728 of the Revised Codes of Montana of 1907 and all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 52.

An Act Amending Section 1808 of the Revised Codes of Montana of 1907, Relating to Inspection of Live Stock About to Be Moved From One County to Another Within the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending law relating to inspection of live stock.

Section 1. That Section 1808 of the Revised Codes of Montana of 1907, as the same is amended by Chapter 72 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917, be and the same is hereby amended to read as follows:

Inspection of livestock before shipment from one county to another.

"Section 1808. That from and after the passage of this act, it shall be the duty of any and all persons, associations, or corporations, removing or taking live stock or any neat cattle from one county to another within this state by railroad, or in any other manner whatsoever, to cause the same to be inspected for brands by a state stock inspector, and no railroad company shall accept such live stock for shipment, unless the shipper shall produce a certificate of their inspection for brands as herein required; provided, however, that the provisions of this act shall not apply to the said stock when driven by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof, nor to any stock so removed or taken by any person, association, or corporation, when such stock is used in the ordinary conduct of his business, and such person, association, or corporation has been the owner of said stock to be removed for at least three months.

Railroads forbidden to ship without certificate of inspection.

Act not to apply when.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 53.

An Act Amending Section 2577 of the Revised Codes of Montana of 1907, Relating to Duties of County Assessors to Present Certain Information to County Board of Equalization.

Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 2577 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

County assessor shall attend meetings of County Board of Equalization as a witness.

Shall present statement of property which has escaped assessment or erroneously assessed.

Duty of Board to correct assessment.

"Section 2577. During the session of the board the assessor and any deputy whose testimony is needed must be present and may make any statement, or introduce and examine witnesses on questions before the board. At said meeting of the board of equalization the county assessor shall present to said board a statement setting forth all property which has escaped assessment or which, by reason of erroneous reports or otherwise, has been assessed for less than its correct value; thereupon it shall be the duty of said board immediately and while sitting as a board of equalization, to investigate said statement, and in the event that any property owner has been assessed for property at a smaller amount or at a less valuation than should properly have been given, said board shall correct such assessment in the manner provided for the correction of assessments by the board of equalization."

Section 2. This act shall take effect and be in full force from and after its passage and approval.

Approved February 2, 1921.

CHAPTER 54.

An Act Amending Section 2756 of the Revised Codes of Montana of 1907, Relating to the Apportionment of License Moneys.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section amended.

Section 1. That Section 2756 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Place of payment and disposition of license money.

"Section 2756. All moneys collected for licenses must be paid into the treasury of the county in which the same are collected. The county treasurer shall retain fifty per cent thereof for the use of the county, he shall pay over forty-five per cent thereof to the state treasurer for the use of the general fund of the state and he shall pay over five per cent thereof to the state treasurer for the use of the state bounty fund."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 55.

An Act Relating to Fees of Justices of the Peace, and Repealing Sections 3175 and 3176 of the Revised Codes of Montana of 1907, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Fees of justice of the peace in civil actions.

Section 1. The following is the schedule of fees which must be collected by justices of the peace in every civil action introduced in a justice court.

Two dollars and fifty cents when summons is issued, to be paid by the plaintiff.

Two dollars and fifty cents when issue is joined, to be paid by the defendant.

Two dollars and fifty cents of the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the two dollars and fifty cents for the issuance of summons shall be made for any services, including issuing and return of execution.

Two dollars and fifty cents for all services in an action where judgment is rendered by confession.

Two dollars and fifty cents for filing notice of appeal

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and transcript on appeal, justifying and approving undertaking on appeal, and transmitting papers to the district court with certificate.

Fees to be paid in advance and costs to be included in judgment.

Section 2. All fees must be paid in advance, and no costs shall be included in any judgment until they have been paid; provided, however, that nothing herein contained shall restrict or prevent the bringing of suits in forma pauperis as provided by law.

Forma pauperis.

Fees of justice in criminal actions.

Section 3. The following is the schedule of fees which must be collected by justices of the peace in every criminal action instituted in the justice court, to-wit:

For all services rendered as a committing magistrate where examination is waived, two dollars and fifty cents.

For all services rendered as a committing magistrate where a hearing takes place and witnesses are examined, five dollars.

For all services rendered as a magistrate on a hearing on a complaint to bind over a person to keep the peace, two dollars and fifty cents.

For all services rendered where there is a plea of guilty, two dollars and fifty cents.

For all services rendered where there is a trial, five dollars.

For taking, filing, and approving bail bond, including justification, one dollar.

For transmitting papers on appeal, and certificate, including bond and approval, one dollar and fifty cents.

For all services in issuing a search-warrant, to be paid by the person demanding same, one dollar.

Limit of amount to be allowed justice per annum from fees in criminal matters.

The total amount of fees allowed by the board of county commissioners to any one justice of the peace in criminal cases must not exceed five hundred dollars in any one year.

Miscellaneous fees of justices of the peace.

Section 4. The following miscellaneous fees shall also be collected by justices of the peace, to wit:

For copies of papers on file or docket, per folio, twenty cents.

For taking the acknowledgment of an instrument, for the first name, one dollar.

For each additional name, fifty cents.

For administering oath and jurat, fifty cents.

For all services relating to lost or unclaimed property,

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as provided by Sections 1996 to 1998 of the Revised Codes of Montana of 1907, two dollars.

For performing the marriage ceremony and returning certificate to Clerk of the District Court, five dollars.

Justices to retain fees collected, when.

Section 5. Justices of the peace shall retain as their compensation the fees herein provided for, save and except in those townships where a stated salary is provided by law to be paid to justices of the peace; provided, however, that in all cases justices of the peace may retain the miscellaneous fees provided for in Section 4 of this act.

Repealing clause.

Section 6. Sections 3175 and 3176 of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 56.

An Act Relating to the Management of Corporations, Providing for the Amendment of Their Articles of Incorporation, Designating the Particulars in Which Such Articles of Incorporation May Be Amended and the Method by Which Such Amendment May Be Effected; Providing a Method Whereby a Corporation May Create or Increase a Bonded Indebtedness and Repealing Sections 3812, 3813, 3814, 3826, 3827, 3828, 3849, 3894 and 3907 of the Revised Codes of 1907, and All Amendments Thereto, and Chapter 100 of the Laws of the Fourteenth Legislative Assembly of 1915 and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Articles of incorporation may be amended in what respects.

Section 1. Any corporation now existing or hereafter organized under the laws of the State of Montana may, in the manner herein provided, amend its articles of incorporation by changing the name, place of business or number of directors, by changing the number, par value, character, class or preference of its shares of capital stock, by increasing or decreasing the capital stock, by changing or extending its business to embrace any purpose for which corporations may be organized under the laws of Montana, by extending its term of existence not to exceed forty years from the date of its incorporation,

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or by an amendment in respect to any other matter which might lawfully have been originally provided in such articles of incorporation.

Amendment may be made how.

Section 2. Such amendment shall be made by the adoption of a resolution at any regular or special meeting of the corporation, of which notice shall have been given in the manner hereinafter provided.

Notice of meeting, how and when served on stockholders.

Section 3. Written or printed notice of such meeting must be deposited in the post office addressed to each stockholder of record of said corporation at his usual or last known place of residence, at least thirty days previous to the date set for the holding of such meeting; in addition said notice must be published once a week for four successive weeks in a daily or weekly newspaper published in the county wherein the principal place of business of such corporation is situated. If no newspaper is published in said county it shall not be necessary to publish said notice. In case the holders of two-thirds of the stock of such corporation outstanding and entitled to vote, or two-thirds of the members, in case such corporation have no capital stock, shall file in the office of such corporation their written consent to the proposed amendment, publication of such notice shall not be necessary.

Publication of notice.

When notice need not be published.

Written consent to change.

Notice of meeting to contain what.

Section 4. Said notice shall state the time and place of said meeting, shall distinctly specify the purpose thereof, and shall specifically state the proposed change of name, if any, the place from which and to which it is proposed to change its principal place of business, if any, the proposed increase or decrease in the number of its trustees or directors, if any, provided, however, that the number thereof shall at no time be less than three nor more than thirteen, the proposed change in the number, par value, character, class or preference of the shares of capital stock, if any, the extent of the proposed increase or decrease of the amount of capital stock, if any, the proposed change or extension of the business of such corporation, if any, the length of the proposed extension of the term of existence of such corporation, if any, and a specific statement of the nature of any other proposed amendment.

The number of directors shall never be less than three or more than thirteen.

Amount of stock necessary to hold meeting and proceed.

Section 5. If at the time and place of said meeting, as specified in said notice, stockholders of said corporation shall appear in person or by proxy in number representing not less than two-thirds of the entire capital stock

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of the corporation outstanding and entitled to vote, the meeting shall organize by choosing a chairman and secretary and the meeting shall then proceed to vote upon the matter or matters proposed in said notice.

Contents of certificate to be prepared when necessary stock has been voted in favor of propositions.

Section 6. If on canvassing the votes, it shall appear that at least two-thirds of the entire capital stock of such corporation outstanding and entitled to vote, or two-thirds of the members in case such corporation have no capital stock, have voted in favor of the proposition submitted, a certificate of the proceedings showing in all cases compliance with the provisions of this act, containing a copy of the resolution adopted, and showing the vote thereon, shall be made out, signed and verified by the affidavit of the chairman of such meeting, and countersigned by the secretary of the meeting, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof certified by such county clerk shall be filed in the office of the secretary of state; a copy of such certificate shall likewise be filed in the office of the county clerk and recorder of any county to which said corporation may have changed its place of business.

Execution of certificate.

Filing of certificate and duplicate.

Amendment to take effect when.

Section 7. Upon the filing of such certificate in the office of the secretary of state in the manner provided in the preceding section, the designated amendment shall immediately become effective. A copy of such certificate, duly certified by the secretary of state, shall be prima facie evidence of the facts therein stated, and shall be received as such evidence in all courts of the state. No amendment shall affect any cause of action in favor of or against such corporation nor any pending suit in which such corporation shall be a party, nor shall the rights of any person be in any way prejudiced thereby, nor shall suits brought against such corporation by its former name be abated for that cause.

Certified copy of certificate shall be prima facie evidence when.

Pending actions not to be affected.

Vested rights.

New stock certificates to be issued when.

Section 8. Whenever by reason of any change in the number or par value of the shares of stock any stockholder shall be entitled to a new or different stock certificate, it shall be the duty of the corporation to promptly issue such certificate upon the surrender of the original stock certificate held by such stockholder.

Limit of term of existence.

Section 9. No corporation shall have power to extend the term of its existence under this act for a period longer than will make its total term of existence to ex-

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ceed forty years from the date of its original incorporation.

Limit to extent of diminution of stock.

Section 10. No corporation shall diminish its capital stock to an amount less than its total indebtedness.

Laws which are not affected.

Section 11. Nothing herein contained shall be deemed to affect the provisions of Section 7361 of the Revised Codes of Montana of 1907, relating to the change of name of certain corporations by action of the district court, but the procedure specified in said section shall be cumulative and additional to that herein provided as to all corporations designated in said Section 7361. Nothing herein contained shall be construed to change or amend the existing laws requiring approval of amendments to articles of incorporation of insurance or other corporations, by the state auditor or commissioner of insurance, nor shall this act apply to banks, trusts or investment companies in any case where procedure other than or different from that herein contained is prescribed by the bank act of this state governing such companies.

Insurance company laws not affected.

Other corporations excluded from act.

Bonded indebtedness of corporations.

Section 12. Any corporation mentioned in this act may likewise create or increase a bonded indebtedness by compliance with the procedure specified in this act. A resolution stating the amount of the proposed bonded indebtedness or the extent of the proposed increase thereof, shall be prepared, adopted at a meeting of the stockholders, and certified to the county clerk and recorder and secretary of state in the same manner and by the same procedure as is provided herein for the amendment of articles of incorporation.

Resolution concerning bonded indebtedness.

Laws repealed.

Section 13. Sections 3812, 3813, 3814, 3826, 3827, 3828, 3849, 3894 and 3907 of the Revised Codes of 1907, and all amendments thereto, and Chapter 100 of the Laws of the Fourteenth Legislative Assembly of 1915 and all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 57.

An Act Amending Section 8645 of the Revised Codes of Montana of 1907, Defining Grand Larceny.

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Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 8645 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Definition of grand larceny.

"Section 8645. Grand larceny is larceny committed with a felonious intent in either of the following cases:

1. When the property taken is of value exceeding fifty dollars.

2. When the property taken is from the person of another.

3. When the property taken is a stallion, mare, gelding, colt, foal or filly, cow, steer, bull, stag, heifer, calf, mule, jack, jenny, goat, sheep or hog.

Liability of person convicted of stealing live stock to owner for its value and certain expenses incurred.

4. If any person or persons, shall steal or with intent to steal, shall take, carry, drive, lead or entice away any mare, gelding, stallion, colt, foal or filly, mule, jack, or jenny, ox, cow, bull, stag, heifer, steer, calf, sheep, goat or hog, being the property of another, he or they shall be deemed guilty of grand larceny; and shall be liable to the person or persons, whose property is stolen, for the said property or the value thereof, and for any expenses by him or them incurred in endeavoring to make reclamation thereof."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 58.

An Act Amending Section 7722 of the Revised Codes of Montana of 1907, Relating to the Powers of Clerks of District Courts to Enter Orders in Probate and Guardianship Matters.

Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 7722 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Notices in probate matters which may be issued by court clerk.

"Section 7722. The clerk, in the absence of the judge, may issue notices of hearing for the probate of wills and letters of administration and guardianship and upon the

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hearing grant such letters, including letters testamentary, when no objections are made or filed; may order notices to creditors, may appoint appraisers, file and approve all bonds, file and approve claims against the estate, file and approve all accounts of executors, administrators and guardians, except final accounts, when no objections are made or filed thereto; make all orders for hearings and orders to give notice, as may be necessary in the exercise of any of the above powers. He may likewise in the absence of the judge make orders fixing the time and place of hearing accounts and petitions for distribution and may also make orders to show cause on applications for the sale of real estate and on any other application in a probate or guardianship matter for the hearing of which an order to show cause is necessary. The court or judge may at any time within three months thereafter set aside or modify any of the orders so made, but unless so set aside or modified they shall have the same effect as if made by the judge or court.

Other powers of clerk of the court.

Court may set aside any order made by the clerk within what time.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 59.

An Act to Amend Sections 7778 and 7779 of the Revised Codes of Montana of 1907, Relating to Mortgages and Leases of the Real Property of Wards.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7778 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Code section amended.

"Section 7778. Whenever it appears to the court or judge to be for the advantage of the ward or his estate to raise money upon a note or notes to be secured by a mortgage upon all or any part of the real property of the ward, or to make a lease of said real property, or any part thereof, the court or judge, as often as occasion shall arise in the administration of any such estate, may on a petition, notice, and hearing, as provided for in the following section, authorize, empower and direct the

Court may authorize guardian to mortgage or lease real property when.

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guardian to mortgage or lease such real estate or any part thereof, and to execute a note or notes to be secured by such mortgage."

Code section amended.

Section 2. That Section 7779 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Proceedings necessary in obtaining order to lease or mortgage by guardian.

"Section 7779. To obtain an order to mortgage or lease such real estate, the proceedings to be taken and the effect thereof must be as follows:

Contents of petition.

1. The guardian, or any person interested in the estate of the ward, shall file a verified petition showing, in the case of an application to mortgage real property, the

In application to mortgage petition must set forth.

following matters: The particular purpose or purposes for which it is proposed to make the mortgage, which shall be either to pay the debts, costs and charges of maintenance, charges of administration, or to pay, reduce, extend or renew some lien or mortgage already subsisting on said realty, or some part thereof, or for the purpose of benefiting or improving the real estate of the ward; a statement of such debts, charges, costs of administration, or liens or mortgages to be paid, reduced, extended or renewed, or the purpose and advisability of improving the real estate, as the case may be; the advantage that may accrue to the estate from raising money, the amount proposed to be raised, together with the general description of the property proposed to be mortgaged, and the names of the ward and next of kin, if

Application to lease must set forth.

any, so far as known to the petitioner. In the case of an application to lease, said petitioner shall show the advantage that may accrue to the estate from giving the lease; a general description of the property proposed to be leased; the terms, rental and general conditions of the proposed lease; and the names of the ward and next of kin so far as known to the petitioner.

What procedure shall be had.

2. Thereafter the same procedure shall be had in all respects as provided in Section 7601 of the Revised Codes of Montana of 1907, in all application for leave to mortgage, and the same procedure shall be had as provided in Section 7602 of the Revised Codes of Montana in all applications to lease; the provisions of said Sections 7601 and 7602 are hereby made applicable, except as herein otherwise provided, to procedure for the mortgaging and leasing of the property of wards.

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Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 60.

An Act Amending Section 8683 of the Revised Codes of Montana of 1907, Relating to Obtaining Money by False Pretense.

Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 8683 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Defrauding by false pretense.

"Section 8683. Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, including evidence of indebtedness, or who causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets into possession of money or property, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained."

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 61.

An Act Amending Section 9791 of the Revised Codes of Montana of 1907, Relating to the Officers and Employees of the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 9791 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

President and matron of State Industrial school to be employed.

"Section 9791. The State Board of Education shall employ a President and Matron of the Montana State

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Duties of President.

Duties of Matron.

Officers and teachers to be appointed by whom.

Industrial School. It shall be the duty of said president to take charge of the school, and he shall also have immediate control of the male department of said school, and the Matron shall have immediate control of the female department of the school; and the local executive board shall also appoint such other officers and teachers as may be necessary for the management of the school."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 62.

An Act Amending Section 9805 of the Revised Codes of Montana of 1907, Relating to the Commitment of Children to the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Code section amended.

Section 1. That Section 9805 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Who shall not be admitted to State Industrial School.

"Section 9805. No boy or girl shall be committed to said school who is not of sound intellect, free from cutaneous or other contagious disease, or who is subject to epileptic or other fits, and he or she must be possessed of that degree of bodily health which would render him or her a fit subject for the discipline of such school.

Duty of court committing person.

And it shall be the duty of the court or judge committing any such boy or girl, to cause him or her to be examined by a reputable licensed physician, who shall certify to the above facts, which certificate shall be forwarded to said reform school with the commitment.

The commitment may be in the following form:

Form of commitment.

ORDER OF COMMITMENT.

State of Montana, County of.....—ss.

In the district court in and for the.....judicial district, in and for said county and state.

Be it remembered, that on the.....day of....., 192...., a minor of said county, was charged on complaint of.....brought before me, the undersigned judge

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of said court, and upon due proof I do find that the said .....is a suitable person to be committed to the instruction and discipline of the state industrial school.

Now therefore, it is hereby ordered that the said..... .....be and is hereby committed to said Montana State Industrial School until.....attains the age of twenty-one years or until.....is legally discharged by the proper authorities of said school.

And I find upon the hearing of said matter, that the said.....was charged with....., that.....is a resident of said county, and of the age of.....years.

That.....father's name is....., he resides at....., in the state of....., by occupation a..... That.....mother's name is....., a resident of the state of ....., by occupation a..... The names of other near relatives and their residence are as follows:.....

Witness my hand this.....day of.....A. D. 192.....

.....Judge.

State of Montana, County of.....—ss.

I, ..., clerk of the district court of said county, do hereby certify that the Hon..... whose signature is appended to the foregoing order of commitment, was at the date thereof and now is the judge of the district court in and for said county.

In witness whereof I have hereunto set my hand and affixed the seal of said court this.....day of..... ....., A. D. 19.....

(Seal.) .....Clerk.

Form of certificate of health.

The certificate of health may be in the following form:

State of Montana, County of.....—ss.

....., being first duly sworn, deposes and says: That he is a practicing physician, duly licensed to practice medicine and surgery in the State of Montana; that at the request of the Hon....., judge of the district court in and for said county, he made a careful medical examination of....., and as a result of said examination, he makes answer to the fol-

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lowing questions correctly, to the best of his knowledge, judgment and belief:

Has.....a perfect vision?

Ans.....

Is.....of sound intellect?

Ans.....

Has.....sufficient bodily strength to receive instruction?

Ans.....

Has.....any tendency to scrofula or consumption?

Ans.....

Is.....perfectly free from any cutaneous disorder?

Ans.....

Is.....subject to epileptic or other fits?

Ans.....

Has.....had the smallpox?

Ans.....

Has.....been vaccinated?

Ans.....

Is.....of sufficiently sound mind and bodily health to be a proper person to commit to the state industrial school?

Ans.....

Subscribed and sworn to before me this.....day of ....., 19.....

.....Clerk.

State of Montana, County of.....—ss.

I, ..., clerk of the district court of said county, do hereby certify that....., whose signature is appended to the foregoing certificate, is a reputable and respectable physician and surgeon in said county.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this.....day of..... ....., 19.....

(Seal.) .....Clerk.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

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CHAPTER 63.

An Act Amending Section 513 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, and Repealing Section 2204 of Said Chapter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 513 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913 be and the same is hereby amended to read as follows: Law amended.

"Section 513. The board of school trustees in any district of the third class shall not issue any warrant for maps, charts, or other apparatus, unless same is authorized and the warrant countersigned by the county superintendent." Regulating the issuance of warrants in school districts of the third class.

Section 2. Section 2204 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, and all acts and parts of acts in conflict herewith are hereby repealed. Laws repealed.

Approved February 2, 1921.

CHAPTER 64.

An Act Amending the Sixteenth Subdivision of Section 1 of Chapter 79 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sixteenth subdivision of Section 1 of Chapter 79 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917 be and the same is hereby amended to read as follows: Law amended.

"16th. Corporations which pay licenses under the provisions of Section 2770 of the Revised Codes of Montana of 1907, including acts amendatory thereof." Corporations which are not to be taxed under title.

Approved February 2, 1921.

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CHAPTER 65.

An Act to Amend Section 1812 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, Relating to Free Text Books.

Be it enacted by the Legislative Assembly of the State of Montana:

Law Amended.

Section 1. That Section 1812 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913 be and the same is hereby amended to read as follows:

Free text books.

Duty of school trustees.

Estimate of money required.

Duty of county commissioners to levy special tax.

"Section 1812. That for the purpose of raising money to pay for free text books, it shall be the duty of the trustees of each school district, on or before the first day of July of each year, to certify to the county commissioners of the county wherein said school district is located, an estimate of the amount of money required to provide said free text books for the ensuing school year; thereupon, in case the money received from the general fund of the district be insufficient for said purpose, said board of county commissioners shall levy a special tax upon the taxable property of said district for the purpose of providing said free text books; said tax shall be collected in the same manner and at the same time as other taxes are collected."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 66.

An Act Amending Section 3 of Chapter 11 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919, Relating to the Payment of the Wages of Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Law amended.

Section 1. That Section 3 of Chapter 11 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919 be and the same is hereby amended to read as follows:

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"Section 3. Whenever any employee is discharged from the employ of any such person, co-partnership, or corporation, except agricultural, on leaving said employment, then all the unpaid wages of such employee shall immediately become due and payable on demand, and if such person, co-partnership, or corporation fails to pay any such discharged employee, within twenty-four hours after such discharge and demand, all the wages due and payable to him, then the same penalty of five per cent. shall attach to said person, co-partnership, or corporation, and become due such employee as provided in Section 2 of this act, provided, however, that if the employer shall, within the period herein specified, tender in money to such discharged employee, the full amount of the wages lawfully due such employee, the penalty herein provided shall not attach.

Payment of wages to discharged employee.

Penalty for not paying within 24 hours.

When penalty shall not attach.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 67.

An Act Relating to the Publication, in the Session Laws, of the County Boundaries of Counties Created by Petition and Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the Secretary of State to include in the session laws of the State of Montana published by him a description of the county boundaries of all new counties of the State of Montana created by petition and election, commencing with counties so created on and after January 1st, 1921, inserting in each of said session laws such new counties as have been so created since the publication of the acts of the previous session.

Duty of Secretary of State to include the county boundaries in book of session laws.

Approved February 2, 1921.

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CHAPTER 68.

An Act Relating to the Employment of a Superintendent and a Matron for the State Orphans' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

State Board of Education have power to employ for Orphans' Home, whom.

Section 1. The state board of education shall have power to employ a superintendent and a matron for the state orphans' home and to prescribe the general duties and fix the compensation and term of office of said employees.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

CHAPTER 69.

An Act Relating to the Commitment of Delinquent Children to the Montana State Industrial School, Prescribing the Form of Such Commitment and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Form of commitment of child to State Industrial School.

Section 1. Whenever under any of the provisions of Chapter 122 of the Laws of the Twelfth Legislative Assembly of the State of Montana, and acts amendatory thereof, a district court or judge thereof shall order any delinquent child or juvenile delinquent person committed to the Montana State Industrial School, the form of commitment shall be that prescribed by Section 9805 of the Revised Codes of Montana of 1907.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1921.

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CHAPTER 70.

An Act to Repeal Chapter 8 of the Laws of the Extraordinary Session of the Fifteenth Legislative Assembly of the State of Montana, Being An Act Entitled, "An Act to Extend Protection to the Civil Rights of Members of the Military and Naval Establishments of the United States Engaged in the Present War."

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Chapter 8 of the Laws of the Extraordinary Session of the Fifteenth Legislative Assembly of the State of Montana, being an act entitled, "An Act to Extend Protection to the Civil Rights of Members of the Military and Naval Establishments of the United States Engaged in the Present War" be and the same is hereby repealed.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 4, 1921.

CHAPTER 71.

An Act to Amend Section 2 of Chapter 162 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Entitled: "An Act to Amend Section 2 of Chapter 25 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Entitled, 'An Act to Secure for Threshermen a Lien Upon Grain and Other Crops Threshed by Them for Their Compensation, and to Provide for the Filing and Foreclosing of Said Liens.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 162 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana be and the same is hereby amended to read as follows:

Statement of lien, contents and filing.

"Section 2. Every person intending to avail himself of the benefits of this Act must file with the County Clerk of the county in which said grain or other crops were grown, within sixty (60) days after the last services were rendered or labor performed in the threshing of

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said grain or other crops, a just and true account of the amount due him or them for such services or labor, after allowing all just credits and offsets, and containing a correct description of the grain or other crop to be charged with such lien, the price agreed upon for such threshing, the name of the person, firm or corporation for whom such labor and services were performed, and a description of the land as nearly as possible, upon which such grain or other crops were raised and a description of the legal subdivision of land upon which said grain is stored, and if said grain is stored in an elevator, the location of said elevator, which statement or account shall be verified by affidavit of the person claiming such lien or his duly authorized agent or attorney having knowledge of the facts; and any error or mistake in the account of description of the grain or other crops or of the property upon which it was raised shall not invalidate said lien. If the grain or other crops so threshed are being hauled from the machine direct to the elevator or to any other purchaser, then the thresherman desiring to claim such lien shall also serve written notice upon the elevator man or other private purchaser that he will claim or hold a lien upon said grain or other crops for his services or labor performed in threshing the same."

Notice to elevatorman or purchaser

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 5, 1921.

CHAPTER 72.

An Act Amending Section 5756 of the Revised Codes of Montana of 1907, Relating to Mortgages, Deeds of Trust, or Assignments for the Benefit of Creditors by Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5756 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Corporate mortgages, etc., how and where filed.

"Section 5756. All mortgages, deeds of trust, or assignments for the benefit of creditors, which include personal property either wholly or in part, executed by a

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corporation, are governed by the law relating to mortgages, or deeds of trust of personal property and must be recorded in the office of the County Clerk of every county where any part of said property is situated, and the same are valid, notwithstanding the possession of such property is retained by such corporation, but any such mortgages, deeds of trust, or assignments for the benefit of creditors must be accompanied by the affidavit of good faith required to accompany mortgages of personal property, which said affidavit may be made on behalf of any such corporation by the President, Secretary or Managing Agent thereof."

Affidavit of good faith.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1921.

CHAPTER 73.

An Act to Amend Section 2594 of the Revised Codes of Montana of 1907, Relating to the Date of State and County Fiscal Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2594 of the Revised Codes of the State of Montana for the year 1907 be and it is hereby amended so as to read as follows:

"Fiscal Year.—The fiscal year for state purposes commences on the first day of July of each year, and ends on the last day of June of each year. The fiscal year for county purposes commences on the first day of July of each year and ends on the last day of June of each year."

Fiscal year for state defined.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1921.

CHAPTER 74.

An Act Amending Section 2024 of the Revised Codes of Montana of 1907, Relating to the Measurement of Hay in the Stack.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2024 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 2024. Hereafter unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the State of Montana: Four Hundred twenty-two cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty days and up to three months settlement in stack; when the same shall have been in the stack three months or over, three hundred and forty cubic feet shall be considered a ton. Five hundred twelve cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in the stack thirty days or more and up to one year. Four hundred and fifty cubic feet shall constitute a ton of clean timothy and clover, after the same shall have been in the stack thirty days or more and up to one year. As to all other kinds of hay, five hundred and twelve cubic feet shall constitute a ton after the same shall have been in the stack sixty days or more and up to one year. For making measurements of hay in stack, the following is hereby made the legal method of measurement, to-wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this act for a ton."

Legal measurement for hay in stack.

Method of measuring hay in stack.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1921.

CHAPTER 75.

An Act Amending Sections 1100, 1101, 1103, 1105 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, and Repealing Sec-

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tion 1102 of Said Chapter and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1100 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, be and the same is hereby amended to read as follows:

Compulsory school attendance.

"Section 1100. All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene, and arithmetic. Every parent, guardian, or other person, having charge of any child between the ages of eight and sixteen years, shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year; provided, however, that children fourteen years of age or over who have successfully completed the school work of the eighth grade, or whose wages are necessary to the support of the family of such child, may be employed during the time that the public schools are in session upon making the proof and securing the age and schooling certificate provided for in the following section. School attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, or by the prinicpal of the private or parochial school, upon satisfactory showing either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, to teach the branches named in this section; provided, that the county superintendent may excuse children from attendance upon such schools where, in his judgment, the distance makes such attendance an undue hardship. In case the county superintendent, city superintendent, principal, or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to

Children 14 years of age excused when.

County Superintendent may excuse when.

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the district court of the county, upon giving a bond, within ten days after such refusal, to the approval of said court, to pay all costs of the appeal; and the decision of the district court in the matter shall be final. Any parent, guardian or other person having the care or custody of a child between the ages of eight and sixteen years, who shall fail to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty dollars."

Misdemeanor.

Section 2. That Section 1101 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, as amended by Section 1 of Chapter 43 of the Laws of the Sixteenth Legislative Assembly of the State of Montana of 1919, be and the same is hereby amended to read as follows:

Employment of children during school term forbidden.

"Section 1101. No child under sixteen years of age shall be employed or be in the employment of any person, firm, company or corporation during the school term, and while the public schools are in session in the district in which such child lives, unless such child shall present to such persons, firm, company, or corporation an age and schooling certificate. Such certificate shall be issued by the city superintendent of schools or principal of schools, or by some person duly authorized by him, and in districts not having a city superintendent or principal, by the county superintendent of schools upon satisfactory proof that such child is of the age of fourteen years or over, and has successfully completed the eighth grade as the same is designated and determined by the state board of education; provided, also, that in case the wages of any child over fourteen years of age are necessary to the support of the family of such child, the city superintendent of schools, or principal of schools, or county superintendent, as the case may be, may, upon production of satisfactory evidence that the wages of such child are necessary to the support of the family, issue a certificate permitting the employment of such child, even though the said child may not have completed said eighth grade work. The age and schooling certificate shall be formulated by the superintendent of public instruction, and blank certificates shall be furnished by the clerk of the board of trustees. Every person, firm, company, or corporation employing any child under sixteeen years

Exceptions.

Age and schooling certificate.

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of age shall exact the age and schooling certificate, or the certificate permitting the employment of such child, prescribed in this section, and shall, upon the request of the truant officer or other authorized person by school trustees, permit him to examine such certificates. When, however, employment of such child ceases, the employer shall promptly return to the city superintendent of schools, or principal of schools, or county superintendent of schools of such district where said child resides, the age and schooling certificate or certificate permitting the employment of such child. Any person, firm, company, or corporation employing any child contrary to the provisions of this chapter shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense; provided, however, that nothing in this act shall be construed to interfere with the employment of a child during the time school is not actually in session."

Duty of employers.

Penalty.

Section 3. That Section 1103 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, be and the same is hereby amended to read as follows:

"Section 1103. To aid in the enforcement of this act, truant officers shall be appointed and employed as follows: In districts of the first and second classes, the board of trustees shall appoint and employ one or more truant officers; in districts of the third class, the trustees shall appoint, if they deem it advisable, a constable or other person as truant officer; in districts not appointing a truant officer, it shall be the duty of the county superintendent to act as truant officer. The compensation of the truant officer shall be fixed and paid by the board appointing him. The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores, and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce the provisions of this chapter. He is also authorized and it shall be his duty to take into custody the persons of any youth between eight and sixteen years of age who is not attending school or who is not regularly employed and the holder of an age and schooling, or other lawful certificate permitting such employment or who has not a proper certificate excusing such attendance. The truant officer shall conduct said

Appointment of truant officers.

Compensation.

Powers.

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youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation violating any provisions of this chapter, and perform such other services as the superintendent of schools, or the board of trustees may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of this chapter. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of trustees; and he shall make daily reports to the superintendent of schools during the school term in districts having superintendents, and to the clerk of the board of trustees in districts not having superintendents, as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of trustees."

Records.

Section 4. That Section 1105 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, be and the same is hereby amended to read as follows:

Truant officer to investigate truancy.

"Section 1105. On request of the superintendent of schools or the board of trustees, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy or non-attendance within his district, and warn said truant or non-attendant and his parent, guardian, or other person in charge, in writing, of the final consequence of truancy or non-attendance if persisted in. When any child of an age at which attendance at the public schools is enjoined by the laws of this state is not attending school, or is not lawfully employed or lawfully excused from such attendance, the truant officer shall notify the parent, guardian, or other person in charge of such child, of the fact, and require such parent, guardian, or other person in charge to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian, or other person in charge of the child so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian, or other person in charge of the child, in any court of competent jurisdiction in the district in which the offense occurs for such

Complaints.

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failure, and upon such conviction, the parent, guardian, or other person in charge shall be fined not less than five dollars nor more than twenty dollars; or the court may, in its discretion, require the person so convicted to give bond in the penal sum of one hundred dollars, with sureties, to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days thereafter, and to remain at such school during the term prescribed by law; and upon failure or refusal of any parent, guardian or other person to pay said fine and costs, or furnish said bond, according to the order of the court, then said parent, guardian, or other person shall be imprisoned in the county pail not less than ten days nor more than thirty days."

Parents to give bonds when required.

Penalty.

Section 5. That Section 1102 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana of 1913, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1921.

CHAPTER 76.

An Act Amending Section 2 of Chapter 95 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917, Relating to the Abatement of Certain Places Termed Nuisances.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 95 of the Laws of the Fifteenth Legislative Assembly of the State of Montana of 1917, be and the same is hereby amended to read as follows:

"Section 2. Every building or place used for the purpose of lewdness, assignation, or prostitution and every building or place wherein or upon which acts of lewdness, assignation, or prostitution are held or occur, and any building wherein gambling is carried on or occurs, contrary to any of the laws of the State of Montana, or wherein any wine rooms are conducted or maintained, contrary to the laws of the State of Montana, or wherein any opium or coca leaves, their salts, derivatives and

Nuisances defined.

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preparations thereof are sold or given away or used contrary to the laws of the State of Montana, is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, whether the same be a public or private nuisance."

Abatement.

Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1921.

CHAPTER 77.

An Act to Establish a Legislative Reference Bureau in Connection with the Law Department of the State Library of Montana, and Repealing Chapter 65 of the Acts of the Eleventh Legislative Assembly of Montana of 1909.

Be it enacted by the Legislative Assembly of the State of Montana:

Legislative reference bureau established.

Section 1. That there shall be established and conducted in connection with the Law Department of the State Library a Legislation Reference Bureau. The object of said Bureau, in charge of the Librarian of said State Library, shall be to gather and make available such information as shall aid the members of the Legislature in the discharge of their duties, and to collect information as to what legislation has been enacted upon important subjects in other states, and legal data as to the constitutionality and interpretation of laws.

Duties.

Assistant appointment and salary.

Section 2. To carry out the provisions of this act, the Librarian of the Law Department of the State Library is hereby authorized, and empowered to employ an assistant at a salary of Fifteen Hundred Dollars per year.

Section 3. Chapter 65 of the Acts of the Eleventh Legislative Assembly of Montana of 1909 and all Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 8, 1921.

CHAPTER 78.

An Act Relating to the Giving of Notice to the State Board of Land Commissioners of Certain Bond Sales and Providing Penalties for the Violation of this Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All officers in charge of county, city, school districts and irrigation district bond sales shall, at least twenty days prior to the date of such sales, furnish to the State Board of Land Commissioners a copy of the advertisement of such bond sale, and shall thereafter furnish any further information concerning said sale which may be requested by said board.

Notice of bond sales to be given State Land Board.

Section 2. In lieu of compliance with the provisions of section one of this act the officers therein named may, at any time prior to the date of any such bond sale, obtain from the State Board of Land Commissioners a written waiver of compliance with the provisions of said section.

Waiver.

Section 3. A failure to comply with the provisions of this act by any officers charged with said duties shall constitute a misdemeanor and be punishable as such.

Penalty.

Approved February 8, 1921.

CHAPTER 79.

An Act Requiring Persons and Corporations Buying or Treating Ores from Leased Mining Properties, to Furnish to both the Lessor and Lessee a Copy of the Statement of the Gross and Net Proceeds of such Ores, and Requiring the Shipper of such Ores to Furnish the Names and Addresses of both the Lessor and Lessee to the Smelter or Sampling Works, and Requiring the Shipper to Make Settlement with the Lessor or Lessee, within 7 Days from the Receipt of said Statement, and Providing a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all persons or corporations buying or treating ores from leased mines or mining claims, shall furnish both to the lessor and lessee, or lessors and lessees, of such mines or mining claims, a true and correct copy of the statement of returns of ores from such sale or shipment, such statement to show both the gross and net proceeds derived from such sale or shipment of ores. Up-

Statement of proceeds of ores purchased or treated to be furnished when.

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on shipment of any such ores from leased premises, either for sale or treatment, the shipper shall furnish to any sampling works or smelter buying or treating same the name, or names, and post office address of the lessor or lessors, lessee, or lessees, interested in such shipment of ores, and within seven days after receipt of such statement from such sampling works or smelter the said shipper shall make settlement with such lessor or lessors, lessee, or lessees, for such shipment or sale of ores, based upon such said statement received by the parties from such sampling works or smelter.

Settlement made when.

Penalty for Violation of Section 1.

Section 2. That any person or corporation who, as such shipper, shall violate the provisions of Section 1 hereof shall be liable to the lessor or lessors, lessee, or lessees, for ten per cent. (10%) of the net returns from such shipment, or sale, of ores referred to in said section, in addition to the value of the interest of the lessor or lessors, lessee or lessees in said shipment, the same to be recovered in an action in any court of competent jurisdiction.

Misdemeanor.

Section 3. That any person or corporation operating any sampling works, or smelter, within this state who shall violate any of the provisions of Section 1 hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than Fifty ($50.00) Dollars, nor more than One Hundred ($100.00) Dollars.

Section 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 5. That this act shall be in full force and effect from and after April 1st, 1921.

Approved February 8, 1921.

CHAPTER 80.

An Act Amending Section 3897 of the Revised Codes of Montana of 1907, Relating to the Procedure for Selling, Leasing, Mortgaging, Exchanging, or Disposing of the Property of Corporations, and Repealing Sections 3901, 4409, 4410, 4411 and 4412 of the Revised Codes of Montana of 1907, and all Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3897 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

"Section 3897. The board of directors or trustees of any stock corporation heretofore or hereafter organized under the laws of Montana, whether solvent or insolvent, whether a going concern or otherwise, including mining corporations, shall have power, and upon request of stockholders representing at least one-half of the capital stock outstanding and of record on the books of the corporation, it shall be their duty to call by resolution a meeting of the stockholders of such corporation, appearing as such upon its books, for the purpose of considering the question of selling, leasing, mortgaging, exchanging, or otherwise disposing of the whole or any part of the property and assets of every kind and description of such corporation. Such meeting shall be held at the principal place of business of such corporation, and at least thirty days previous notice of the time and place of such meeting shall be given to each person who appears as a stockholder upon the books of the corporation. The secretary of the corporation shall make out and deposit in the United States post-office, postage paid, a notice of such meeting, directed to each stockholder of record of the corporation by his name and his place of residence appearing on said records, and shall make and file his affidavit of such deposit. Such notice shall be considered as given upon the deposit of the same in the post-office, as above required. The notice shall state the time, place and the purpose of the meeting, and shall contain a complete and specific statement of the proposal to be considered and acted upon at said meeting, including in all cases where only a part of the property of such corporation is affected, a general description of the property proposed to be sold, leased, mortgaged, exchanged, or otherwise disposed of. A similar notice shall also be published at least once a week for at least four consecutive weeks preceding the day of said meeting, in some newspaper of general circulation published in the county wherein the principal place of business of such corporation is located, or if there is no newspaper published in said county, then in the nearest county thereto wherein a newspaper is published, and said publication shall be

Procedure for selling, leasing, mortgaging, etc., corporate property.

Calling of meeting.

Notice of meeting.

Notice to stockholders.

Publication of notice.

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Procedure on meeting.

proven by affidavit of the publisher or clerk of such newspaper. filed with the secretary of such corporation. Upon the day appointed for said meeting, if stockholders representing at least two-thirds of the whole number of shares of the capital stock of the corporation then outstanding, and of record on the books of the company, appear in person or by agents or proxies filed with the secretary, the stockholders shall organize by electing one of their number chairman, and some suitable person secretary. Thereupon any proposition for the sale, lease, mortgaging, exchange, or other disposition of the whole or any part of the property or assets of the corporation, of every kind or description, may be considered and acted upon by said meeting, and if stockholders representing at least two-thirds of the whole number of shares of the capital stock of said corporation then outstanding, and of record on the books of the company, appearing at said meeting in person or by agents or proxies as above provided, vote in favor of any such proposition, whether proposed by the directors or trustees or not, as the stockholders may see fit, which proposition shall be in the form of a resolution specifying the particulars thereof and entered on the minutes of said stockholders' meeting, the said proposition or resolution shall be taken and adopted as the act of the corporation, and shall be carried out as such and shall be approved and adopted by the board of directors or trustees. The secretary of such meeting shall enter upon the minutes of said stockholders' meeting the number of shares voted for or against the proposition or resolution, and by whom voted, and stockholders voting against said proposition or resolution shall be taken as dissenting therefrom. Upon the adoption of any proposition or resolution such as above referred to, by the stockholders' meeting, the secretary of the meeting shall make out a true and complete copy of the minutes of the stockholders' meeting, which shall be signed by the chairman of such meeting and attested by said secretary and verified by them and acknowledged as required in the case of the conveyance of real estate, and shall file the same for record in the office of the county clerk and recorder of the county wherein the principal office or place of business of such corporation is situated, and also in the office of the county clerk and recorder of any other counties wherein

Action on resolution.

Copy of minutes to be filed.

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any of the real property included in the proposition or resolution adopted by said stockholders' meeting is situated, and said record shall impart notice and have the same effect as other instruments required by law to be recorded, and such copies so filed and recorded, or the record thereof, or the certified copy of such record, shall be prima facie evidence of the matters and facts therein stated, and thereupon, and upon the adoption and approval by the board of directors or trustees of the corporation of such proposition or resolution, the corporation and its officers shall have full power and authority to do all acts and to execute all conveyances or other instruments in writing which are necessary or proper to carry out the said proposition or resolution, and the sale, lease, mortgage, exchange, or other conveyance of the whole or any part of the property of said corporation, authorized by said proposition or resolution, shall thereupon take effect and have the same force as if all the stockholders of the corporation had consented thereto; provided, that nothing contained in this act shall be deemed to limit or restrict the powers of the board of directors or trustees of such corporation in relation to the disposition of property or the conduct of business; nor shall this act be so construed as to affect any cases now pending in the courts of this state or of the United States; provided, further that at any meeting of the stockholders of any corporation called and noticed in the manner provided by this section, the stockholders may, by a vote of the holders of two-thirds of the issued and outstanding stock of record on the books of the corporation, in lieu of the resolution hereinbefore provided for, adopt a by-law giving the board of directors of such corporation such general authority to sell, lease, mortgage, exchange or otherwise dispose of the whole or any part of the property of such corporation as the stockholders by such by-law may prescribe. The resolution calling the meeting and the notice mailed to stockholders and published shall state that the meeting is called for the purpose of considering the adoption of a by-law empowering the board of directors of the corporation to sell, lease, mortgage, exchange, or otherwise dispose of the property of said corporation. In all other respects notice shall be given and the meeting shall be had and a copy of the minutes thereof shall be filed as provided

Copy of record as evidence.

Proviso.

Stockholders may authorize directors to adopt by-laws conferring power to sell, etc.

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by this section. In case such by-law be adopted at said meeting the board of directors shall thereafter have the authority granted thereby so long as said by-law shall remain in force, but any by-law so adopted may be repealed by a vote of the holders of two-thirds of the issued and outstanding stock of the corporation at any annual meeting of the stockholders or at any special meeting of the stockholders called in the manner provided by this section."

Repealing clause.

Section 2. Sections 3901, 4409, 4410, 4411 and 4412 of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1921.

CHAPTER 81.

An Act Relating to the Assessment for the Purpose of Taxation of Bank Stock and the Payment of Taxes Thereon; Providing for the Furnishing of Certain Information to County Officials by Bank Officials and Repealing Chapter 31 of the Laws of the Fourteenth Legislative Assembly of the State of Montana of 1915, and all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

National bonds, stocks, where assessed.

Section 1. Assessment of Stock in Banking Corporations.—All shares of stock in national banks existing by authority of the United States and located and doing business within this State, shall be assessed to the owners thereof in the cities, towns, or places where such banks are located, and not elsewhere, in the assessment of all state, county, school districts, and municipal taxes, imposed and levied in such place whether or not the owner of such stock is a resident of such city, town or place.

Payment of taxes, entry of assessment.

Section 2. Payment of Taxes—Entry of Assessment.—Every national bank shall pay to the person authorized to collect taxes in the state, county, city, town, or place in which such bank is located, at the time of each year when other taxes become due, the amount of the tax upon the shares in such bank. Said banks shall be liable for the payment of the said tax and if the same is not paid on

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or before the thirtieth day of November of each year at six o'clock p. m., the said tax shall become delinquent, and shall be collected in the same manner and be subject to the same laws as all other delinquent taxes.

For convenience, the assessment of shares of stock in national banks, and herein referred to, shall be entered on the personal property assessment list under the name of the bank, and in such statement the names of the holders of bank stock shall be set forth, and the shares owned by each, and such assessment, when so entered, shall have all the force and effect as if made in the name and against the holder of bank stock individually.

Officers of national banks to furnish statement.

Section 3. Statements to be Furnished by Officers.—The cashier of every national bank shall make and deliver to the assessor of the county in which said bank is located, within five days after demand therefor, a statement, verified by his oath, showing the name of each shareholder, with his residence, and the number of shares belonging to him at the close of business the day next preceding the first Monday in March, in each year, as the same then appeared on the books of said bank, and showing the face value of the capital stock, and the amount of surplus and undivided profits of said bank, and an estimate of the value for which such stock shall be assessed. If said cashier fails to make such statement as required, the assessor shall forthwith obtain said information from the officers of the bank, and for this purpose he shall have access to the books of the bank, and the assessor shall therefor make an assessment of such stock, which shall be as fair and equitable as he may be able to make from the best information available, or he may adopt the figures disclosed by any prior report of the officers or directors of the bank, made to any state or federal officer to whom such bank is by law required to make reports.

Contents of statement.

Section 4. Taxation of Private Bankers and Brokers.—The cashier or secretary of every state bank or banking corporation, and every private banker shall make and deliver to the assessor of the county in which said bank is located within five days after demand therefor, a statement, verified by his oath, showing the total moneys and credits of such bank, the amount of its deposits and any indebtedness representing money borrowed by said bank for use in its banking business, as disclosed by the books

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of said bank at twelve o'clock noon on the first Monday in March of each year. If said cashier shall fail to make the report hereby required the assessor shall forthwith obtain such information from the officers of said bank and for this purpose he shall have access to the books of said bank, and the assessor shall thereupon make an assessment of the moneyed capital employed in conducting the business of said bank, which assessment shall be as fair and equitable as he may be able to make from the best information available, or said assessor may for the purpose of said assessment adopt the figures disclosed by any prior report of the officers or directors of such bank, made to any state or federal officer to whom such bank is by law required to make reports. Any cashier or other person failing to make the statements hereby required shall be guilty of a misdemeanor and shall be punishable accordingly.

Misdemeanor.

Section 5. That Chapter 31 of the Laws of the Fourteenth Legislative Assembly of the State of Montana of 1915 and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1921.

CHAPTER 82.

An Act to Amend Section 15 of Chapter 8 of the Session Laws of the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana, Approved August 11, 1919, Entitled "An Act to Enable the Counties of the State of Montana to Provide for Any of Their Inhabitants, Who by Reason of Misfortune Resulting from Drought, Hail or Unfavorable Climatic Conditions, Have Been Rendered Destitute or in Need of Aid, Authorizing the Incurring of Indebtedness by Counties for Such Purpose; Providing for Special Elections When the Amount of Such Indebtedness Will Exceed the Sum of Ten Thousand Dollars; Providing for the Issuance of Warrants and the Issuance and Sale of Funding Bonds for the Purpose of Such Relief; Providing for the Levy of Taxes for the Payment of Such Warrants and Bonds and Interest Thereon; Authorizing Boards of County Commissioners to

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Give Effect to the Terms of This Act; Providing Penalties for the Violation of This Act and Repealing All Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 15 of Chapter 8 of the Session Laws of the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana be, and the same is hereby amended so as to read as follows:

Denomination, interest and term of bonds.

"Section 15. Such bonds shall be in denomination of One Thousand Dollars, shall bear a rate of interest to be fixed by the board, not exceeding seven per cent per annum, represented by interest coupons payable semi-annually at such place and at such times as shall be determined by the board, and all of such bonds shall become due and payable in not less than five, nor more than ten years from the date thereof, the date of maturity to be fixed by the board."

Section 2. All acts and parts of acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 83.

An Act Providing for the Investment of the State Educational Bond Sinking and Interest Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Investment of State Educational Bond Sinking and Interest Fund.

Section 1. Whenever there are any funds in the State Educational Bond Sinking and Interest Fund over and above the sum of two thousand dollars ($2,000.00) in excess of the amount required to pay the next succeeding semi-annual installment of interest on all outstanding bonds, according to their tenor, it shall be the duty of the State Board of Land Commissioners to invest such excess funds in the manner set forth and provided in Section 2 of this Act, and the amount so invested shall constitute a permanent fund to pay the principal of said bonds; but all interest or profit from such investments shall be paid into the said State Educational Bond Sink-

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ing and Interest Fund, and the principal and interest of the said bonds shall be first lien upon said funds.

Permanent fund, how invested.

Section 2. The State Board of Land Commissioners is hereby authorized and directed to invest the permanent fund provided for in Section 1 of this act:

1st. In the State Educational Bonds, provided that they can be purchased at a price not exceeding their par value and accrued interest.

2nd. In interest bearing warrants of the general fund of the state.

3rd. In any legally issued bonds of any county, city, town or school district of the State of Montana, provided that they can be purchased at a price not exceeding their par value and accrued interest.

In investing such permanent fund the State Board of Land Commissioners shall give preference to warrants upon the General Fund of the State of Montana, if purchasable.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 84.

An Act to Amend Section 11 of Chapter Thirty-six of the Laws of the Sixteenth Legislative Assembly; Transferring all Moneys in the State Board of Health Hotel Fund to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11 of Chapter thirty-six of the Laws of the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Disposal of fines.

"Section 11. All moneys collected for fines under this act shall be turned over to the State Treasurer, who shall deposit them to the credit of the General Fund."

Transfer of Board of Health fund to General Fund.

Section 2. All moneys now standing to the credit of the "State Board of Health Hotel Fund," in the office of the State Treasurer, are hereby transferred to the General Fund, and the State Treasurer and the State Auditor are hereby directed to make such entries upon their books of account as will effectuate such transfer.

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Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 85.

An Act to Amend Section 23 of Chapter 85 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, Abolishing the Fund Known as the Investment Commission Fund; and Directing the Transfer to the General Fund of All Moneys Now in or Hereafter Accruing to Said Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 23 of Chapter 85 of the Laws of the Thirteenth Legislative Assembly of the State of Montana, entitled "An Act creating the office of Investment Commissioner." etc., be and the same is hereby amended to read as follows:

"Section 23. All fees herein provided for shall be collected by the Investment Commissioner, and by him shall be deposited with the State Treasurer to the credit of the General Fund." Disposal of fees.

Section 2. The account now carried upon the books of the State Treasurer and the State Auditor under the name of the "Investment Commission Fund" is hereby abolished. Investment commission fund abolished.

Section 3. The State Treasurer is hereby directed to transfer to the General Fund all moneys now standing to the credit of the said Investment Commission Fund, or hereafter accruing to said Investment Commission Fund. Transfer of funds.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 86.

An Act to Abolish the Secretary of State's Trust Fund, and Directing the Transfer of all Moneys Now in Said

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Fund or Hereafter Accruing Thereto Into the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Secretary of State Trust Fund abolished.

Section 1. That the fund account heretofore created and known as the "Secretary of State Trust Fund" be, and the same is hereby abolished.

Transfer of funds.

Section 2. All moneys now standing to the credit of said Secretary of State Trust Fund, or which may hereafter accrue thereto are hereby transferred to the General Fund, and the State Treasurer and State Auditor are hereby directed to make such entries upon their books of account as will fully effectuate such transfer.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 87.

An Act to Amend Chapter 33 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Entitled "An Act to Amend Section 2651 of the Revised Codes of Montana of 1907, Relating to Notice of Application for Tax Deed."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 33 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Notice of application for tax deed how given.

"Section 2651. Notice of application for tax deed.—The purchaser of property sold for delinquent taxes or his assignee, must, thirty days, previous to the expiration of the time for redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, if known, and upon the person occupying the property, if said property is occupied, and, if the records in the office of the county clerk and recorder show an unreleased mortgage or mortgages upon the property purchased, upon the mortgagee or mortgagees named in said mortgage or mortgages or, if assigned, upon the assignee or assignees of said mortgage or mort-

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gages, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property, or the mortgagee, or the assignee of said mortgagee has the right of redemption indefinitely until such notice has been given and the deed applied for, upon the payment of fees, percentages, penalties and costs required by law. Notice to any owner, mortgagee or assignee of mortgagee shall be given by registered letter addressed to such mortgagee or assignee at the post office address of said owner, mortgagee or assignee as disclosed by the mortgage records in the office of the county clerk and recorder. In case of unoccupied property, or a mining claim, such notice must be posted in a conspicuous place upon the property, and personally served upon all owners thereof residing in the county where the property is situated, and deposited in the post office addressed to any known owner residing outside of said county with the postage thereon prepaid, at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for such tax deed, in addition to notice to the mortgagee or assignee of mortgagee in the manner, and as hereby is provided. Provided that in all cases where the post office address of the owner, mortgagee, or assignee is unknown, the applicant shall publish once a week for two successive weeks in a newspaper published in the county where the property is situated, a notice substantially in the following form:

Posting and mailing notice.

NOTICE OF APPLICATION FOR TAX DEED.

Forms of notice.

Notice is hereby given that the undersigned will on the .....day of.....19..... apply to the County Treasurer of.....County for a Tax Deed to the following described property, to-wit:

(Describe property)

Amount due $ .....

Date .....

.....

Applicant.

The first publication of such notice must be made at least thirty (30) days before the date of redemption or

Publication and proof of service.

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application for said Deed. In all cases due proof of service of notice in whatever manner given, supported by the affidavit required by law, must be filed immediately with the Clerk and Recorder of the County in which the property is situated, and be kept as a permanent file in his office, and such proof of notice when so filed shall be prima facie evidence of the sufficiency of the notice."

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 88.

An Act to Amend Section 4 of the Act Initiated and Passed by the People Entitled: 'A Bill to Propose by Initiative Petition a Law to Provide for Party Nominations by Direct Vote' Passed by the People of Montana at the General Election of November 1912.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of the Act entitled: "A bill to propose by initiative petition a law to provide for party nominations by direct vote" Initiated and passed by the people of Montana at the General Election of November 1912, be, and the same is hereby amended to read as follows:

Designation of cities and towns subject to act.

"Section 4. Application of Law to Cities and Towns. The nomination of candidates for municipal offices by the political parties subject to the provisions of this law shall be governed by this law in all incorporated towns and cities of this State having a population of thirty-five hundred and upward as shown by the last preceding national or state census.

Filing of petitions.

All petitions by the members of such political parties for placing the names of candidates for nomination for such municipal offices on the primary nominating ballots of the several political parties shall be filed with the city clerk of said several towns and cities, and it shall be the duty of such officers

Notices of election how issued.

to prepare and issue notices of election for such primary nominating elections in like manner as the several county clerks perform similar duties for nomination by such political parties for county offices at primary nominat-

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ing elections. The duties imposed by this law on the county clerks at primary nominating elections are hereby, as to said towns and cities, designated to be the duties of the city clerk of said towns and cities as to primary nominating elections of the political parties subject to the provisions of this law; provided, that in cities and towns the primary nominating election shall be held on the fourteenth day preceding their municipal elections. Under the provisions of this law the lawfully constituted legislative and executive authorities of cities and towns within the provisions of this section shall have such power and authority over the establishment of municipal voting precincts and wards, municipal boards of judges and clerks of election and other officers of their said municipal election, and other matters pertaining to municipal primary nominating elections required for such cities and towns by this law, such legislative and executive authorities have over the same matter at their municipal elections for choosing the public officers of said cities and towns.

Powers of municipal authorities.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act is declared to be an emergency law, and a law necessary for the immediate preservation of the public peace and safety.

Emergency clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1921.

CHAPTER 89.

An Act to Amend Section Two, Chapter Sixty-one of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, Relating to Quarantine Against Insect Pests and Plant Diseases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 61 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913 be amended to read as follows:

"Section 2. Whenever the Governor of this State has good reason to believe that any pest, gypsy moth, brown-tail moth, potato wart, potato canker, black scab, potato

Governor may quarantine against insect pests.

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ell-worm, pea weevil, alfalfa weevil, alfalfa blight, flax canker, flax wilt or other plant disease or insect pest, dangerous or inimical to the agricultural or horticultural industry, exists within any county or locality within the state, it shall be specifically understood that he has authority to quarantine any county, district, locality or ranch and it shall be his duty to prescribe and enforce such rules and regulations as may be necessary to prevent the movement of any designated articles or materials whatever across the boundaries of such quarantined counties, districts, localities or ranches, and for the control and eradication of such pests or diseases."

Section 2. All Acts and parts of Acts in conflict with this amendment are hereby repealed.

Section 3. This Act shall be in full force and effect after its passage and approval by the Governor.

Approved February 14, 1921.

CHAPTER 90.

An Act to Amend Section Twelve (12) of Initiative Measure No. 12, Passed by the People of the State of Montana at the General Election November 5, 1918, Which Initiative Measure No. 12, was Entitled "A Bill to Propose by Initiative Petition a Law to Authorize and Regulate the Practice of Chiropractic in the State of Montana and to Define the Same and to License Chiropractors to Practice in the State and to Establish a State Board of Chiropractic Examiners and to Define its Powers and Duties and to Provide its Compensation; to Provide for Chiropractic License Fees, and the Disposition of Same, to Provide Penalties for the Violation of this Law and to Repeal All Acts and Parts of Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12 of Initiative Measure No. 12, passed by the people of the State of Montana at the General Election, November 5, 1918, be amended so as to read as follows, to-wit:

Chiropractors license.

"Section 12. All persons practicing Chiropractic within this State shall pay, on or before the first day of September of each year after a license is issued to them,

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as herein provided, to said Board of Chiropractic Examiners, a renewal license fee of $5.00. The secretary-treasurer shall, thirty days or more before September 1st of each year, mail to all practicing Chiropractors in this State, a notice of the fact that the renewal fee will be due on or before September 1st If any practicing Chiropractor shall fail and neglect or refuse to pay to the Board of Chiropractic Examiners the renewal license tax imposed by this Act, thirty days after the same is due and payable, it shall be the duty of the secretary-treasurer to take such action for the collection of the same as is required of the County Treasurer in cases of non-payment of other licenses, as provided by Section 2750 of the Revised Codes of Montana of 1907, and the provisions of said Section 2750 and of Section 2752 of said Code shall control all said proceedings so far as the same were applicable hereto."

Renewal fees.

Enforcement of collection.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

CHAPTER 91.

An Act to Amend Sections 165 and 166 of the Revised Codes of 1907, of the State of Montana and to Repeal Chapter 37 of the Laws of the Fourteenth Legislative Assembly, Year 1915.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 165 of the Revised Codes of the State of Montana for 1907, be and is hereby amended so as to read as follows:

Section 165. The Secretary of State, for services performed in his office, must charge and collect the following fees:

Fees of Secretary of State.

1. For each copy of any law, resolution or record or other document or paper on file in his office, twenty cents per folio.

2. For affixing certificate and seal, One Dollar.

3. For issuing each certificate of incorporation and each certificate of increase of capital stock, Three Dollars.

4. For recording and filing each certificate of incorporation and each certificate of increase of capital stock, the following amounts shall be charged:

Fees for recording articles of incorporation and increases of capital stock.

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Amounts up to $100,000.00, one dollar per thousand dollars.

Additional from $100,000.00 to $250,000.00, eighty cents per thousand dollars.

Additional from $250,000.00 to $500,000.00, sixty cents per thousand dollars.

Additional from $500,000.00 to $1,000,000.00, forty cents per thousand dollars.

Additional over $1,000,000.00, twenty cents per thousand dollars.

Providing, that no fee for filing any articles of incorporation or increase of capital stock shall be less than $50.00, except religious societies, churches, and organizations for religious purposes, not having a capital stock, and not being organized for the purpose of profit.

Other corporate fees.

5. For issuing each certificate of decrease of capital stock, Ten Dollars.

6. For recording and filing each certificate of decrease of capital stock, Five Dollars.

7. For issuing each certificate of continuance of corporate existence, Ten Dollars.

8. For recording and filing each certificate of continuance of corporate existence, the following amounts shall be charged:

Amounts up to $100,000.00, fifty cents per thousand dollars.

Additional from $100,000.00 to $250,000.00, forty cents per thousand dollars.

Additional from $250,000.00 to $500,000.00, thirty cents per thousand dollars.

Additional from $500,000.00 to $1,000,000.00, twenty cents per thousand dollars.

Additional over $1,000,000.00, ten cents per thousand dollars.

9. For recording and filing each notice of removal of place of business, each certificate of change of name, or each certificate making captital stock assessable, Five Dollars.

10. For filing each certified copy of charter or articles of incorporation of any foreign corporation, the same fee shall be charged as is provided for in Article 4 of this Section, for domestic corporations.

11. For filing each notice of appointment of agents, Five Dollars.

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12. For filing each annual or semi-annual statement of any foreign corporation, Five Dollars.

13. For receiving and recording each official bond, Five Dollars.

Miscellaneous fees.

14. For each commission or other document, signed by the Governor, and attested by the Secretary of State (Pardon and Military Commissions excepted), Five Dollars.

15. For searching the records and archives of the State, One Dollar.

16. For filing each trade mark, Five Dollars; and for issuing each certificate of record, One Dollar.

17. For recording miscellaneous papers, records, or other documents, for filing, one dollar; for recording, twenty cents per folio.

18. For filing any other paper not otherwise herein provided for, One Dollar for filing and Twenty Cents per folio for recording. That no member of the Legislative Assembly, or State or County Officer, can be charged for any search relative to matters appertaining to the duties of his office; nor must he be charged any fee for a certified copy of any law or resolution passed by the Legislative Assembly relative to his official duties. Fees must be collected in advance, and when collected by the Secretary of State, must be paid to the State Treasurer at the end of each quarter, as provided in the Constitution.

Section 2. That Section 166 of the Revised Codes of Montana of 1907 be amended to read as follows:

Fees of religious societies, etc.

Section 166. The Secretary of State shall charge and collect from each foreign or domestic religious society, church organization for religious purposes and fraternal society not having capital stock, and not being organized for the purpose of profit hereafter organized, a fee of $20.00 for all services in connection with the issuance of certificate, filing and recording.

Repealing Chapter 37 Laws 1915.

Section 3. That Chapter 37 of the Laws of the Fourteenth Legislative Assembly, Year 1915, be and the same is hereby repealed.

Section 4. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

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CHAPTER 92.

An Act to Amend Section 8074 of the Revised Codes of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8074 of the Revised Codes of the State of Montana be and is hereby amended so as to read as follows:

Effective date of statutes.

"Section 8074. Every statute, unless a different time is prescribed therein, takes effect on the first day of July of the year, of its passage and approval.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

CHAPTER 93.

An Act to Authorize Stockholders and Members of Co-operative Agricultural Corporations to Vote by Delegates and Providing for the Mode of Their Voting.

Be it enacted by the Legislative Assembly of the State of Montana:

Powers of co-operative agricultural companies.

Section 1. That any, either co-operative stock or non-profit non-stock, agricultural association or company already existing or that may be hereafter organized under the laws of Montana, may own and operate two or more co-operative enterprises in different parts of the state, and may exercise and possess the following powers by so providing in their articles of incorporation or in their by-laws:

Delegates.

(a) That all powers of the association members or stockholders shall be exercised by duly elected delegates at any meeting of such delegates which may be called. They shall elect such officers and transact such business in the same manner as the association members or stockholders are empowered to do. Such officers and board of directors as the delegates may elect shall be known as "general officers" or "General Board of Directors."

Locals.

(b) Stockholders or members of such co-operative stock or non-profit, non-stock agricultural associations or companies shall be grouped into "Locals" in such districts as the General Board of Directors may from time to time direct.

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(c) Each local, with territorial limits as determined by the General Board of Directors, shall elect from among its stockholders or members one delegate and one alternate to represent the local at any meeting of the association or company. Such delegate and alternate shall serve for one year. The alternate shall serve as delegate at all meetings where the delegate may not be in attendance. Election of delegates.

(d) Each delegate shall have only one vote, regardless of the number of stockholders or members which he may represent.

Section 2. Nothing in this act shall be deemed or construed to limit the powers of the Board of Directors of any corporation. Limitation of Act.

Section 3. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Approved February 16, 1921.

CHAPTER 94.

An Act to Amend Chapter 136 of the Laws of the Fifteenth Legislative Assembly of 1917, and Section 50 of Chapter 89 of the Laws of the Fourteenth Legislative Assembly, Relating to Reserve Requirements for Montana State Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 50 of Chapter 89 of the Laws of 1915, and Section 1 of Chapter 136 of the Laws of the Fifteenth Legislative Assembly 1917, be and the same is amended so as to read as follows:

Every bank except a reserve bank, shall maintain at all times a reserve of at least ten per centum of its deposit liabilities, of which reserve such portion as the Board of Directors may determine may be on deposit in banks approved by the Superintendent of Banks as reserve banks. A bank approved by the Superintendent of Banks as a reserve bank must at all times maintain a reserve of at least fifteen per centum of its deposit liabilities, of which such portion as the Board of Directors may determine, may be on deposit in banks approved by the Superintendent of Banks as reserve banks. Any solvent bank of good repute having a full paid up capital and surplus of $100,000.00, doing business in the State Banks to maintain reserve. Amount.

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Designation of reserve agent.

of Montana or any of the states of the United States may be designated by the Superintendent of Banks as a Reserve Agent for Montana State Banking institutions. Such approval or designation may be withdrawn or withheld at any time by the Superintendent of Banks for cause, provided that the provisions of this Act as to capital and surplus shall not apply to any bank in Montana heretofore designated by the Superintendent of Banks as a Reserve Bank. Whenever the reserve of any bank shall fall below the amount required herein to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the Superintendent of Banks shall notify any bank whose reserve may be below the amount herein required, to make good such reserve, and in case the bank fails, for thirty days thereafter, to make good such reserve, the Superintendent of Banks may notify the Attorney General, and he shall institute proceedings for the appointment of a receiver and to wind up the business of the bank. In estimating the reserve required by this Act the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which reserves shall be determined. No bank shall at any time become indebted either directly or indirectly, for borrowed money or rediscounts in an amount in excess of its paid up capital and surplus without first obtaining written authority from the Superintendent of Banks, provided, that debentures or certificates of indebtedness issued by any investment company to run for a period of three years or more, shall not be included in the deposit liabilities of said investment company as affected by the provisions of this section, Provided, a compliance with the Federal Reserve Banking laws, rules and regulations by member banks shall be held to be a compliance with the reserve requirements and conditions of this Act, and entitle such federal reserve member banks to the rights and privileges accruing from a compliance with this Act.

Reserve, how estimated.

Limitation of indebtedness.

Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect after its approval by the Governor.

Approved February 16, 1921.

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CHAPTER 95.

An Act to Amend Section 1 of Chapter 106 of the Laws of the Eleventh Legislative Assembly, Relating to Purposes for which Private Corporations may be Formed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 106 of the laws of the Eleventh Legislative Assembly be amended to read as follows:

Amending Section 3808, R. C., 1907.

"Section 1. That Section 3808 of the Revised Codes of Montana of 1907, (being Section 393 of the Civil Code of Montana of 1895) be and the same is hereby amended to read as follows:

Purposes for which private corporation may be formed.

Section 3808. (Section 393.) The purposes for which the private corporations mentioned in the last section may be formed are:

1. The support of public worship.

2. The support of any religious, benevolent, charitable, educational or missionary undertaking.

3. The support of any literary or scientific undertaking, the maintenance of a library or the promotion of painting, music or other fine art.

4. The encouragement of agriculture and horticulture and the processing and marketing of such products.

5. The maintenance of public parks, and of facilities for skating and other innocent sports.

6. The maintenance of a club for social enjoyment.

7. The maintenance of a public or private cemetery.

8. The prevention and punishment of theft or wilful injuries to property and insurance against such risks.

9. The insurance of human life, dealing in annuities, and the insurance of fidelity of persons holding places of public or private trust.

10. The insurance of human beings against sickness or personal injury.

11. The insurance of the lives of domestic animals or their loss or damage.

12. The insurance of property against marine risks.

13. The insurance of property against loss or injury by fire, or any of the elements, or by accident, or by any risk of inland transportation.

14. The transaction of any banking business or trust deposit and security business, and the insurance of the safe keeping of all kinds of personal property.

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15. The construction and maintenance of a railroad and of a telegraph line in connection therewith and a street railroad of any kind.

16. The construction and maintenance of any other species of roads, and of bridges in connection therewith.

17. The construction and maintenance of a bridge.

18. The construction and maintenance of a telegraph line, telephone or electric light line.

19. The establishment and maintenance of a line of stages.

20. The establishment and maintenance of a ferry.

21. The carriage of property and persons by express.

22. The building and navigation of steamboats and carriage of persons and property thereon.

23. The supply of water to the public.

24. The manufacture and supply of gas, or the supply of light or heat to the public by any other means.

25. The transaction of any mercantile, commercial, industrial, manufacturing, mining, mechanical, or chemical business.

26. The transaction of a printing and publishing business.

27. The erection of buildings and the accumulation and loan of funds for the purchase of real estate.

28. The establishment and maintenance of a hotel.

29. The improvement of the breed of domestic animals by importation, sale or otherwise.

30. The transaction of the business of raising, processing, storing, buying and selling of all agricultural, horticultural and other farm products, including grains, fruits, all classes of farm animals and their products.

31. The construction of canals, ditches, flumes, and other works for conveying water, and reservoirs for storing the same, and the boring of artesian wells.

32. To purchase or otherwise acquire, own, hold, mortgage, pledge, sell, assign, transfer, or otherwise dispose of shares of the capital stock of, or any bonds, securities, or other evidence of indebtedness created by, any other corporation or corporations wherever organized, with all the rights, powers, and privileges of ownership thereof; provided, however, that it is not intended hereby to give the right to exercise any of the powers or purposes in this sub-division mentioned in any case where it is forbidden so to do by any provision of the Constitution or

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Statutes of the United States of America or the State of Montana. No corporation must be formed for any other purpose than those mentioned in this Section."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

CHAPTER 96.

An Act to Amend Section No. 4192 of the Revised Codes of the State of Montana, 1907, Pertaining to the Time when Building and Loan Associations may Commence Business and Granting to the State Examiner Discretion in the Issuance of the Certificate Authorizing the Commencement of Business by such Examiner; also, to Amend Section No. 4198 of said Revised Codes, Pertaining to the Taxation of the Property and Capital Stock of Building and Loan Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4192, R. C. 1907.

Section 1. That Section No. 4192 of the Revised Codes of the State of Montana, 1907, be amended to read as follows, to-wit:

Building and loan associations may commence business when.

"Section 4192. The capital stock named in the articles of incorporation shall be deemed to refer to the authorized capital and the organization may be completed and business commenced when five per cent thereof is subscribed; **provided,** that a copy of the constitution and by-laws adopted by the association and certified by the president and secretary thereof, shall be first submitted to the State Examiner who shall thereupon investigate and ascertain the responsibility, character and general fitness of the incorporators and also determine whether the public convenience and advantage will be promoted by the organization of such association; if he shall be satisfied after thorough investigation concerning the several matters specified above, and find that the constitution and by-laws so adopted contain no provisions inconsistent with or contrary to the laws of the state, he shall, within a reasonable time approve the same, and upon the issuance of his certificate of such approval, it shall then be lawful for the association to commence business. In like manner, must each and every amendment of said

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constitution and by-laws be submitted to and receive the approval of the State Examiner before the same shall become effective. Directors may be elected for any term not less than one year nor longer than three years, but if such term be longer than one year it shall be so arranged that the term of office of an equal number of directors, as nearly as may be, will expire each year."

Election of directors.

Amending Section 4198, R. C. 1907.

Section 2. That Section No. 4198 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows, to-wit:

Taxation of associations

"Section 4198. Taxation. Every such association shall be assessed for and pay taxes upon its office furniture and fixtures and all real estate acquired in the course of its business. The amount standing to the credit of each member of any such association upon its books shall be considered and held as the individual credit of such member, and each member shall list the shares held by him for taxation at their real value in money in the county of his residence, the same as other credits are listed, except shares from which loans have been made or money advanced by the association, and such shares shall be listed for taxation at the net cash value of the stock to be ascertained by deducting the loan from the cash value of the shares. Corporations organized under this Act shall be subject to taxation in no other way."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

CHAPTER 97.

An Emergency Act Authorizing the Board of School Trustees of Any School District of County High School to Fund Outstanding Indebtedness by the Issuance of Bonds, Regulating the Issuance of such Bonds and Providing for the Payment Thereof; Authorizing the Issuance of Warrants by School Districts or County High Schools for the Current Expenses of the School Year 1920-1921 in Excess of Available Moneys and in Excess of the Tax Levy Heretofore Made and for the Subsequent Funding of said Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of School Trustees of any School

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Funding of school and high school indebtedness authorized when incurred before July 1, 1921.

District or County High School in the State of Montana shall have, and are hereby given, in addition to the powers already conferred upon them, authority, whenever at any time such District shall have a floating indetedness incurred, on or before July 1, 1921, for teachers' salaries, school supplies and equipment, new buildings heretofore completed, necessary repairs to school buildings and heating plants therein, or other necessary expenses incurred in the maintenance of schools in such district, to fund such indebtedness and to issue negotiable coupon bonds therefor and to pledge the credit and resources of the district represented by warrants heretofore issued whether in excess of funds on hand and anticipated revenues or otherwise for the payment of the principal and interest of such bonds.

Section 2. In addition to the powers conferred by Section one of this Act, and in anticipation of the subsequent issuance of the funding bonds authorized by this Act, but subject to the constitutional limitations as to the total indebtedness of School Districts or County High Schools, all Boards of School Trustees are hereby given authority to issue warrants in excess of the available funds of the School District or County High School and in excess of the amount levied by said School District or County High School for the current school year. Said warrants shall be issued only in payment of the current expenses of said School for the completion of the school year of 1920-1921, and not for the purpose of increasing salaries, purchasing new equipment or increasing school facilities in any manner whatsoever. The warrants so issued may likewise be funded in accordance with the terms of this Act.

Authority to issue warrants in excess of funds or levy, when.

Section 3. The funding bonds authorized by this Act shall be issued under the following conditions, to-wit:

Conditions governing issuance of bonds.

1. When there is not sufficient money to the credit of said School District or County High School applicable to the payment of any such outstanding indebtedness; and,

2. When, in the judgment of the Board of School Trustees, to levy and collect a tax for the purpose of paying such indebtedness would be a hardship and burden to said School District or County High School;

Provided it shall not be necessary to submit the question of the issuance of such bonds to fund such indebtedness

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to the vote of the electors of such District, or County High School.

Resolution, contents and adoption.

Section 4. The Board of School Trustees shall, by resolution, declare that the existing indebtedness shall be funded by the issuance of bonds, which said resolution shall describe the amount and kinds of indebtedness which is to be funded and declare and certify as to the validity of such indebtedness, which resolution and certificate shall be conclusive against the district as to the validity of the indebtedness so funded in favor of innocent holders of said bonds.

Terms of bonds.

Section 5. The Board of School Trustees shall, by resolution, fix the rate of interest which said bonds shall bear, not exceeding six per centum per annum, payable semi-annually; the time of payment not exceeding twenty years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof; such bonds shall bear the signature of the Chairman of the Board of Trustees and shall be signed by the Clerk of said District; and the coupons attached to the bonds shall be signed by the said Chairman and Clerk, provided a facsimile of the signatures of the Chairman and Clerk may be affixed to the coupon, only when so recited in the bonds, and the corporate seal of the School District, or County High School, shall be affixed to each of the bonds. Upon execution, the bonds shall be deposited with the County Treasurer, who shall register the same in a book provided for that purpose, which shall show the number and amount of each bond, its date, the date payable and redeemable, and the person to whom the same is issued, and the County Treasurer shall deliver the same to the person, or persons, to whom sold, upon their making payment for the same, or, if so directed by the Board of Trustees, to such person, or persons, as shall surrender an amount of warrants, which, with accrued interest, shall equal the par value of such bonds, and said warrants so received by the Treasurer shall be duly cancelled.

Registration of bonds.

Tax levy for redemption.

Section 6. The Board of School Trustees shall provide for a tax levy to pay the principal and interest of said bonds as they mature, in accordance with the provisions of Section 2019 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly relating to taxes and sinking fund, as amended by Section 37

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of Chapter 196 of the Session Laws of the Sixteenth Legislative Assembly.

Advertisement and sale of bonds.

Section 7. When the Board issues any bonds authorized by this Chapter, it is its duty to sell the same and they shall give notice by advertisement in some newspaper published in this State at least once a week for four consecutive weeks, the date of the first publication to be not less than thirty days prior to date of sale, such advertisement must state the date, hour and place where such sale will take place and shall describe the bonds to be sold, giving the amount, denomination, rate of interest, time payable, time redeemable and purpose of the proposed bond issue. The Trustees are authorized to reject any and all bids and sell such bonds at private sale if they deem it for the best interests of the District, the proceeds from the sale of such bonds to be used wholly for the purpose of taking up and retiring the outstanding indebtedness of the District as described in the resolution provided by Section 4 of this Act, provided, however, that the Board may, if in its opinion it would be to the best interests of the District so to do, effect an exchange of such School District, or County High School, bonds to take up such legal outstanding indebtedness by issuing the same to any person or persons holding the School District, or County High School, warrants or just claims against the School District, or County High School, as set forth in the resolution as provided in Section 2 of this Act, the exchange to be made dollar for dollar.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency clause.

Section 9. There being no adequate provision by law for the funding of indebtedness of School Districts, or County High Schools, and there being a large number of districts which will be unable to continue their school operations unless their present indebtedness be funded into bonds, and this acting being deemed of immediate importance, and an emergency existing in the meaning of the constitution, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved February 16, 1921.

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CHAPTER 98.

An Act Requiring the Erection of Fire Escapes on Certain Buildings, Prescribing Rules and Regulations Governing Same; Empowering the State Fire Marshal to Enforce this Act and to Prescribe Specifications for the Construction of Fire Escapes; Prescribing the Procedure to Compel the Erection of Fire Escapes, and Defining Adequate Fire Escapes; Providing for the Reimbursement out of Rent or Lease Money or Any Occupant or Lessee Required to Erect Fire Escapes Under the Provisions of This Act; Authorizing Actions for the Enforcement of this Act and Providing Penalties for its Violation, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Construction of fire escapes on certain buildings required.

Section 1. That it shall be the duty of the owner entitled to the beneficial use, rental or control, or, if such owner be a non-resident, the occupant or lessee, of any building three or more stories in height, constructed or used, or intended to be used, in whole or in part, as a hospital, seminary, college, academy, school house, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater or any place of public amusement, lodge hall, or any hall, used for public gatherings, or any manufacturing establishment or industrial plant, wholesale or retail mercantile store, workshop, warehouse, office building, and any building erected by municipal, county or state authority, wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to cause to be erected and fixed to every such building one or more adequate fire escapes, which in no case, shall be less than one such escape to each five thousand square feet of lot area covered by such building; provided, that any building six or more stories in height shall have at least two such fire escapes to each five thousand square feet of lot area covered by such building; provided, that where the area and height of any building is such that the construction of one fire escape will meet the requirements of this Act, and it is elected to construct an interior stairway type escape, then, in such case, there shall be provided at least one other exit from each floor of said building, which exit shall be placed as remote

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from the entrance to the fire escape as is consistent with the construction of the building, and provided further; that all fire escapes possible, consistent with accessibility, from stairways, elevator hatchways, and other openings in the floors, and as far apart as is consistent with the construction and location of the building. Provided, that it shall be the duty of the owner entitled to the beneficial use, rental or control, or if such owner be a non-resident, the occupant or lessee, of any building two stories in height, already erected or which may hereafter be erected and used in whole or in part as a hotel, school, dormitory, theater or hospital, to cause to be erected an adequate number of stairways, or fire escapes which, in no case, shall be less than one, and one additional stairway or fire escape for each five thousand square feet of lot area covered by such building in excess of ten thousand square feet, which stairways or fire escapes shall be located as remote from each other as possible, and be easy of access from all parts of the building. A basement of any building that extends five feet or more above grade line shall be considered a story within the meaning of this Act.

Stairways.

Section 2. An adequate fire escape, provided for in Section One (1) of this Act, is defined to be a concrete stairway, an iron or steel stairway, an iron or steel straight chute, or which may be constructed of other fireproof material of equal strength, to which there shall be free, unoccupied and unobstructed passage, and free, unoccupied and unobstructed egress and ingress to and from the interior of the building, and may be erected on the exterior or interior of any building requiring fire escapes; provided, however, where outside stairways do not reach the ground, same must have an iron stairway from the lowest balcony to the ground, counterbalanced so that same shall remain in a horizontal position when not in use. This stair must be constructed in the same manner and of the same material as those of the upper balconies. When a suspended weight is used as a counter-balance, proper guides or places must be provided. It is hereby made the duty of the State Fire Marshal to prepare and promulgate minimum specifications for the construction and erection of each type of fire escape authorized by this Act, which specifications shall be based upon a working stress of not less than sixteen thousand pounds to the square inch for steel,

Adequate fire escape defined.

State fire marshal to prepare specifications.

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twelve thousand pounds to the square inch for wrought iron, and seven hundred pounds to the square inch for concrete; provided, that specifications for interior fire escapes shall require that they be inclosed with non-combustible material, and that all door and window openings be properly protected with self-closing, fire-proof shutters and that all stairway escapes, interior and exterior be continuous and suitably connected with the roof of the building. No fire escape shall be approved as complying with the provisions of this Act, the material and erection of which are not at least the equivalent of the minimum specifications promulgated by the State Fire Marshal as herein provided. It shall also be the duty of the State Fire Marshal to prepare and promulgate minimum specifications for the construction of stairways required for buildings two stories in height, as set forth in Section One (1) of this Act, which stairways may be constructed of wood or other material and located on the interior or exterior of the building, but shall not be required to be inclosed.

Guide signs and exit lights.

Section 3. That it shall be the duty of the owner entitled to the beneficial use, rental or control; or if the owner be a non-resident, the occupant or lessee of any building used or intended to be used, as described in Section One (1) of this Act, where fire escapes are required, also to provide and maintain, in good condition at all times, therein, proper guide signs and exit lights, which signs and lights shall be of a sufficient number on each floor to indicate the location of fire escapes and all entrances thereto. And it shall be unlawful to obstruct in any manner whatsoever, any fire escape required by the provisions of this Act, or any hallway, corridor, or entrance-way leading thereto.

Jurisdiction of State Fire Marshal.

Section 4. The State Fire Marshal shall have general charge and supervision of the enforcement of the provisions of this Act, and, for this purpose, it is hereby made the duty of any inspector under the jurisdiction of the State Fire Marshal or any person authorized to act in his stead, to assist the State Fire Marshal in giving effect to the terms and provisions hereof, and shall be subject to his direction, and to the rules and regulations adopted for its enforcement.

Officers to inspect buildings and compel compliance with Act.

Section 5. It shall be the duty of the State Fire Marshal, his deputies, and subordinates, the Chief of the Fire Department of each city or village where a fire depart-

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ment is established, or the Mayor of a city or village where no fire department exists, or the Justice of the Peace of a township in territory without the limits of a city or village, to enter into all buildings, and upon all premises within his jurisdiction, for the purpose of the examination of such premises for violations of this Act, and when any building shall be found which requires the erection of fire escapes, and upon which fire escapes have not been erected according to the provisions of this Act, to serve a written notice upon the party or parties whose duty it is to erect such fire escapes, which notice shall specify the time within which said fire escapes shall be erected, and which in no case, shall be more than ninety days; and said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified, or if deposited in the post-office, directed to the last known address of the person to be notified. In case of buildings within the terms of this Act, that are managed and controlled by a Board of Trustees, Board of Commissioners or other governing body, notice may be served on the President, Secretary, or Treasurer of such Board of Trustees, Board of Commissioners or other governing body, to cause the erection of fire escapes on said buildings as may be required; provided, that the occupant or lessee of any building is required to erect fire escapes under the provisions of this Act, shall be entitled to reimburse himself for the cost and expense of erecting said fire escapes out of the rent or lease money of said premises, and such reimbursement shall not be construed to be a breach of any existing lease, contract, or any covenent thereof nor grounds for any action or damages ouster.

Notice to erect fire escapes.

Section 6. Any person failing, neglecting, or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty ($50.00) Dollars, and each days' failure to comply with any of the provisions of this Act, after the expiration of the time stipulated in the written notice provided for herein, shall constitute a separate offense, and it shall be the duty of the State Fire Marshal, or any person authorized to act in his stead, to file complaint for violations of the provisions of this Act in any court of competent jurisdiction within the county where said violations occur, and it shall

Misdemeanor.

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be the duty of the county attorney of such county to forthwith prosecute all such complaints so filed.

Attorney General to bring abatement proceedings, when.

Section 7. In addition to the other remedies and penalties herein provided, upon the failure of any of the parties charged with the duty so to do to erect fire escapes in accordance with this law, the Attorney General of the State, or any county attorney of the county where any such building is located, shall bring an action against the owner, lessee and occupants of any such building for an injunction enjoining the further occupancy of such building until compliance with this Act. Such action may be brought in the county where such building is located.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 99.

An Act Relating to the Veterans' Welfare Commission, Providing for the Sale of the Unsold Bonds or Warrants Authorized by Chapter 105 of the Regular Session of the Sixteenth Legislative Assembly, Appropriating the Unexpended Portion of the Moneys Received or Hereafter to be Received from the Sale of Said Bonds or Warrants for the Use of the Veterans' Welfare Commission, and Making an Additional Appropriation for the Use of Said Commission, and Repealing the Portion of Section 2 of Chapter 26 of the Extraordinary Session of the Sixteenth Legislative Assembly Relating to said Veterans' Welfare Cammission and Repealing all Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sale of unsold portion of bonds for Veterans' Welfare Fund authorized.

Section 1. That the State Board of Examiners be, and it is hereby authorized and directed to sell the unsold portion of the issue of Two Hundred Thousand Dollars, ($200,000.00) of bonds or warrants authorized by Chapter 105 of the laws of the regular session of the Sixteenth Legislative Assembly, and to deliver the proceeds derived from the sale of said bonds or warrants to

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the State Treasurer, who is hereby directed to place said moneys in the Veterans' Welfare Fund.

Section 2. Whereas, a doubt might be suggested as to whether the appropriation, made by Chapter 105 of the regular session of the Sixteenth Legislative Assembly of the Two Hundred Thousand Dollars, ($200,000.00) authorized by said Chapter to be raised by the sale of bonds or warrants of the State of Montana, will be ineffective under Section 12 of Article XII of the Constitution of Montana, after two years, or will continue of its own force until the expenditure of all of said moneys, or until the purpose of said Act has been fully carried out; and

Whereas, it is the intention of the Legislative Assembly by this act to make certain the continued availability of the unexpended portion of said Two Hundred Thousand Dollars, ($200,000.00) for the purpose specified in said Chapter 105, without in any way or manner limiting the effect of the appropriation contained in said Chapter 105 of the said regular session of said Sixteenth Legislative Assembly. Be it further enacted:

Directions as to expenditure of Veterans' Welfare Fund.

That all of the unexpended moneys now remaining in said Veterans' Welfare Fund, and all moneys hereafter derived from the sale of bonds or warrants authorized by Chapter 105 of the regular session of the Sixteenth Legislative Assembly, and by Section 1 hereof, be, and they are hereby appropriated for the use of the Veterans' Welfare Commission in carrying out the provisions of said Chapter 105 of said regular session of said Sixteenth Legislative Assembly, and the State Treasurer is hereby authorized and directed to disburse any moneys now in or hereafter coming into said Veterans' Welfare Fund upon warrants issued by the State Auditor under the direction of the State Board of Examiners for the use of said Veterans' Welfare Commission.

Appropriation.

Section 3. That there be and is hereby appropriated, in addition to the moneys appropriated by Section 2 hereof, the sum of Fifty Thousand Dollars ($50,000.00) or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated, for the use of the Veterans' Welfare Commission in carrying out the provisions of Chapter 105 of the regular session of the Sixteenth Legislative Assembly; the moneys appropriated by this section to be used only after the moneys realized from the sale of bonds or warrants

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of said issue of Two Hundred Thousand Dollars ($200,000.00) authorized by said Chapter 105 and by Section 1 hereof, shall have been exhausted; and the State Treasurer is hereby directed to disburse the moneys appropriated by this section upon warrants issued by the State Auditor under the direction of the State Board of Examiners for the use of said Veterans' Welfare Commission.

Repealing clause.

Section 4. That the following portion of Section 2, of Chapter 26 of the extraordinary session of the Sixteenth Legislative Assembly of the State of Montana, approved August 12, 1919, to-wit:

"And that the Veterans' Welfare Commission is hereby ordered and instructed to market Twenty Thousand Dollars ($20,000.00) of the bonds authorized to be issued by the regular session of the Sixteenth Legislative Assembly, and that from the money so received the general fund of the State of Montana be reimbursed for the appropriation made and the money expended by this section provided;" and all other acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 100.

An Act to Amend Section 7166 of the Revised Codes of 1907, Relating to the Awarding of Counsel Fees as Costs on Foreclosure of Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 7166, R. C. 1907.

Section 1. That Section 7166 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows:

"Section 7166. In an action to foreclose any of the liens provided for by Chapter II, Title IV, Part III of this Code, the court must allow as costs the money paid for filing and recording the lien, and a reasonable attorney's fee in the District and Supreme Courts, and such costs and attorney's fee must be allowed to each claimant whose lien is established and such reasonable attorney's fees must be allowed to the defendant against

Allowance of attorney's fees.

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whose property a lien is claimed, if such claim be not established.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1921.

CHAPTER 101.

An Act To Amend Section 1947 of the Revised Codes of 1907, Relating to the State Board of Horticulture.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1947, R. C. 1907.

Section 1. That Section 1947 of the Revised Codes of 1907 be, and the same is hereby, amended to read as follows:

"Section 1947. The County Treasurer, in any county where any money is collected as provided in Section 1946 of this Act, shall monthly remit the amount previously collected to the Secretary of the State Board of Horticulture, who shall remit the same to the State Treasurer, and such remittances, together with all other fees and remittances paid into the State Treasury by the State Board of Horticulture, shall be credited by the State Treasurer to the General Fund."

Disposal of funds of State Board of Horticulture.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 16, 1921.

CHAPTER 102.

An Act to Amend Section 8311 of the Revised Codes of Montana (1907), Prescribing the Punishment for Robbery.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 8311 R. C. 1907.

Section 1. That Section 8311 of the Revised Codes of Montana (1907) be, and the same is, hereby amended to read as follows:

"Section 8311. Robbery is punishable by imprison-

Punishment of robbery.

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ment in the State Prison for a term not less than one year."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1921.

CHAPTER 103.

An Act to Amend Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as Amended by Chapter 99 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and as Further Amended by Chapter 171 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Providing for a Land Office Expense Fund, and the Disposition of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 104, Chapter 147, Laws 1909 as amended.

Section 1. That Section CIV of Chapter 147 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Chapter 99 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and as further amended by Chapter 171 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Disposal of fees and fines.

"Section CIV. All moneys received as fines, fees, and forfeitures under this act, or as penalties for the violation of any of the land laws of this state, or as fees, fines or forfeitures under any amendments of this Act, shall be paid to the State Treasurer, and by him deposited to the credit of the General Fund."

Land Office Expense Fund abolished.

Section 2. The fund heretofore created and known as the Land Office Expense Fund is hereby abolished, and all moneys now in said fund or heretofore accruing thereto are hereby transferred to the General Fund, and the State Treasurer and the State Auditor are hereby directed to make such entries upon their books of account as will fully affect such transfer.

Section 3. All acts, and parts of acts, in conflict herewith are hereby repealed.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1921,

CHAPTER 104.

An Act Requiring a Petition of Twenty per cent of the Qualified Electors Who are Taxpayers to Authorize the Voting upon the Issuance of any School, Town, City or County Bonds, and Providing Who are Entitled to Vote Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Number of signers necessary on petitions for bond elections.

Section 1. No election for the issuance of bonds of any school district, or of any town, or city, or county shall be called except upon presentation of a petition therefor to the board of school trustees, or to the town or city council, or to the board of county commissioners, as the case may be, signed by at least twenty per cent of the qualified registered electors who are taxpayers upon property within said school district, town, city or county, and whose names appear on the assessment roll for the year next preceding such election, praying for the calling of said election. Provided that the board of county commissioners, board of school trustees, town or city council, as the case may be, shall determine as to the sufficiency of such petition, and the findings of such governing body shall be conclusive against the municipality in favor of any innocent holder of the bonds issued under and by virtue of authority conferred by election provided by this Act.

Qualification of voters.

Section 2. That in all elections hereafter held for the issuance of bonds of any school district, town, city or county, only qualified registered electors who are taxpayers upon property therein, and whose names appear on the assessment roll for the year next preceding such election, shall be entitled to vote thereat.

Proviso.

Section 3. All Acts and Parts of Acts in conflict herewith are hereby repealed, provided, however, this Act shall not apply to any issuance of bonds which have been authorized prior to such time as this Act shall take effect and be in full force.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1921.

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CHAPTER 105.

An Act Requiring the Consolidation of the Offices of Superintendent of City Schools and the Principal of County High Schools in all Cities and Towns Having Fewer Than Nine Hundred Children Enrolled in Both the City and High Schools, and Providing for the Management and Control of Such Schools, and Regulating the Employment of Teachers Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Consolidation of superintendent of city schools and principal of county high schools in certain cases.

Section 1. Whenever, after the passage and approval of this Act, the total number of school children enrolled in any county high school and in the city schools located in the same city or town with said county high school shall be fewer than nine hundred, the Board of Trustees of the school district in which such city schools are located, and the Board of Trustees of such county high school (said boards being hereinafter designated as "the joint boards"), shall jointly appoint a person to be known as the superintendent of city and high schools, who shall supervise the operation of both the high school and city schools in such district.

Superintendent of city and high schools, when to be appointed.

Section 2. In the cases mentioned in Section one of this Act, no superintendent of city schools and no principal of the county high school shall be appointed, but the duties of both said officers shall be performed by a superintendent of city and high schools. Said superintendent shall possess the qualifications required by law for principals of county high schools and shall be employed by the said joint boards hereinbefore mentioned for not to exceed three years, and shall receive a compensation fixed by such joint boards.

Qualifications.

Existing contracts excepted.

Section 3. Nothing herein contained shall affect any existing contracts for the employment of high school principals or city superintendents, but wherever in the cases mentioned in Section one of this Act the contract of either a high school principal or a city superintendent shall expire, no new contract shall be entered into with either of such officers, or with any other person, except for such period of time as may be necessary to continue the services of one such officer until the expiration of the term of office of the other.

Section 4. On and after July 1st, 1921, the joint boards of trustees shall, in all the cases mentioned in

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Boards of trustees to appoint joint teachers of certain subjects.

Section one of this Act, emply one or more persons as may be necessary to teach jointly in both schools any of the several special subjects offered therein, such as home economics, manual training, agriculture, music, art, penmanship or other special subjects.

Salaries, how paid.

Section 5. The salary of the superintendent of city and high schools, and the salaries of the teachers employed to teach jointly in both schools shall be borne by the county high school and the school district in which is located such city schools; the salaries of the superintendent of city and high schools shall be apportioned between the two school systems in proportion to the number of teachers employed in each school system for the proper administration thereof; the salaries of all teachers employed to teach jointly in both schools shall be apportioned between the two school systems in accordance with the number of class-room hours of work expended by said teachers in each school system.

Controversies, how settled.

Section 6. Whenever any controversy shall arise between the two school systems mentioned in this Act concerning any division of expense between said schools, the facts pertaining to the controversy shall be certified for final determination to the superintendent of public instruction by a representative of each school board.

Voting by joint boards how conducted.

Section 7. For purposes of voting for the employment of a superintendent of city and high schools, or for the employment of teachers, or for the purpose of determining any administrative policy relating to both schools, the joint boards shall be entitled to the same number of votes. The county high school board shall select, as its representatives for purposes of voting, the same number of its members as the membership of the board of the school district in which the city school is located; provided, however, that the county superintendent of schools shall not be one of those so selected, and further provided, that said county superintendent of schools shall be permitted to vote only in case of a tie vote continuing after at least three ballots.

General school laws applicable.

Section 8. In all other matters not herein specifically enumerated, the joint boards shall be guided by the laws of the state of Montana, relating to public and high schools.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1921.

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CHAPTER 106.

An Act to Amend Sub-Division No. 5, of Section 2104 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of Montana, Relating to the Powers of the Board of Trustees of County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Subdivision 5, Section 2104, Chapter 76, Laws 1913.

Section 1. That Sub-Division No. 5, of Section 2104 of Chapter 76, of the Session Laws of the Thirteenth Legislative Assembly, of the State of Montana be amended to read as follows:

Meetings of county high school boards.

"Section 2104. Sub-Division No. 5—Meeting Quorum —Contracts.—The County High School Board shall hold four regular meetings each year, on the third Saturday of April, July, October and January, and such special meetings not to exceed two in any one month, as they may deem necessary. The provisions of the general school law as to notice, time and place of meetings shall govern all county High School Boards.

A majority of said Board shall constitute a quorum for the transaction of business, except it shall be necessary for a majority of the whole Board to enter into any contract, on behalf of the Board."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1921.

CHAPTER 107.

An Act Authorizing Fraternal Benefit Societies in the State of Montana to Provide for Payment of Death or Annuity Benefits on the Lives of Children; Limiting the Total Benefits Payable; Providing the Manner and Basis of Issuing Benefit Certificates; Providing the Manner of Keeping the Benefit Contributions Hereunder, and Requiring an Annual Financial Statement From Any Society Availing Itself of the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any fraternal benefit society authorized to do business in this State and operating on the lodge

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Fraternal benefit societies may pay death or annuity benefits on lives of children.

plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may, at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: two, Thirty-four Dollars ($34.00); three, Forty Dollars ($40.00); four, Forty-eight Dollars ($48.00); five, Fifty-eight Dollars ($58.00); six, One Hundred and Forty Dollars ($140.00); seven, One Hundred and Sixty-eight Dollars ($168.00); eight, Two Hundred Dollars ($200.00); nine, Two Hundred and Forty Dollars ($240.00); ten, Three Hundred Dollars ($300.00); eleven, Three Hundred and Eighty Dollars ($380.00); twelve, Four Hundred and Sixty Dollars ($460.00); thirteen to fifteen, Five Hundred and Twenty Dollars ($520.00); and sixteen to eighteen years, where not otherwise authorized by law, Six Hundred Dollars ($600.00).

Amount of benefits.

Medical examination of children required.

Section 2. No benefit certificate as to any child, shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred (500) such certificates, on each of which at least one (1) assessment has been paid, nor where the number of lives represented by such certificate falls below five hundred (500). The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table", or the "English Life Table Number Six", and a rate of interest not greater than four per cent per annum, or upon a higher standard; provided, that contributions may be waived, or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws, and, provided further, that extra contributions shall be made if the reserves hereafter provided for become impaired.

On what tables based.

Reserve requirements.

Section 3. Any society entering into such insurance

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agreements shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in Section 2, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for, nor used for, the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate issued by the society, provided that such surrender will not reduce the number of lives insured in the branch below five hundred (500), and upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made the application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contributions, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership.

Surrender of benefit certificates.

Separate financial statement to be made.

Section 4. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom, shall be made in its annual report to the Insurance Commissioner by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in Section 3, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger or other change in the condition of the status of the society.

Payments on expense or general fund.

Section 5. Any society shall have the right to provide in its laws, and the certificate issued hereunder, for specified payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society, as its constitution and by-laws may provide.

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Section 6. In the event of the termination of membership in the society by the person responsible for the support of any child, on whose account a certificate may have been issued, as provided herein, the certificate may be continued for the benefit of the estate of the child, provided the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child, who shall assume the payment of the required contributions.

Continuation of certificate on termination of membership.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1921.

CHAPTER 103.

An Act Authorizing the State Board of Examiners to Fix the Number, Compensation, Term and Tenure of Office of all Assistants, Clerks and Stenographers Employed by the Civil Executive State Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage of this act the State Board of Examiners of the State of Montana shall by resolution fix and designate the number, compensation, term and tenure of office of all assistants, clerks and stenographers for all civil executive state officers, boards, commissions or departments. Said board shall likewise have the power to discontinue in any or all state offices or to discharge any of said assistants, clerks or stenographers, for cause or otherwise, whenever in their judgment the best interests of the service requires such actions.

Board of Examiners to fix number, compensation, term and tenure of office of civil executive employees.

Section 2. The compensation paid to each of the several assistants, clerks and stenographers for all civil executive officers, boards, commissions or departments shall not exceed the maximum sum specifed in the annual appropriation bill passed by the Legislative Assembly for the year specified, and the sum so specified in the annual appropriation bill shall be in full compensation for all services rendered by such assistants, clerks and stenographers.

Compensation not to exceed maximum limits fixed by law.

Section 3. The civil executive state officers, boards, commissions, or departments shall have the power to appoint their own assistants, clerks and stenographers in

Power of civil executive officers to appoint assistants, etc.

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the number and for the compensation fixed for the State Board of Examiners.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 23, 1921.

CHAPTER 109.

An Act Relating to the Codification and General Revision of the Laws of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of Montana of 1921 defined.

Section 1. The four codes of law heretofore enacted by the legislative assembly of the state of Montana under the name and designation of the Political Code of the State of Montana, the Civil Code of the State of Montana, the Code of Civil Procedure of Montana, and the Penal Code of Montana, together with such other statutes and acts of the several legislative assemblies of the state of Montana as have been enacted since the date of the adoption of said codes and as are now in force and effect, including such laws as shall be enacted by the seventeenth legislative assembly of the state of Montana, shall, when compiled, revised, and arranged into a code of law by the code commissioner appointed under the authority of Chapter 195 of the laws of the sixteenth legislative assembly of the state of Montana, be known and designated as the Revised Codes of Montana of 1921.

Contents of codes.

Section 2. The Revised Codes of Montana of 1921 shall consist of four separate codes to be known and designated as the Political Code of Montana, the Civil Code of Montana, the Code of Civil Procedure of Montana, and the Penal Code of Montana, the same comprising as a whole a complete code of law. Each of said codes shall be divided into Parts and Chapters and the laws in each code shall be designated by section numbers which shall run consecutively and continuously through the entire four codes. Each of said four codes shall be published in a separate volume accompanied by an index and a table of contents and the Penal Code shall also be accompanied by a general index and by an appendix containing a table of omitted laws and of comparative sections. In addition to the subject matter herein specified the Revised Codes of Montana of 1921 shall contain the history of the various laws of the state and the annotations

Arrangement.

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to the decisions of the Supreme Court of Montana and of the United States construing same, together with the other subject matter prescribed in section 6 of Chapter 195, Laws of Montana of 1919.

Method of citation.

Section 3. Whenever any section of the Revised Codes of Montana of 1921 shall be cited, referred to, or amended the same may be designated by giving the number of the section followed by the words "Revised Codes of Montana of 1921". Said citation may also be made by abbreviation by giving the number of the section followed by the letters and figures "R. C. M. 1921", and said abbreviation shall be authentic and sufficient for all purposes.

Repealing certain sections Revised Codes of 1907.

Section 4. The following sections of the Revised Codes of Montana of 1907 are hereby repealed: Sections 19, 44, 45, 46, 52, 116, 117, 127, 129, 138, 140, 142, 201 to 204, inclusive, 205 to 207, inclusive, 219 to 225, inclusive, 264, 269, 289, 306, 313, 315, 316, 340, 458, 463, 467, 468, 571, 667, 669, 670, 671, 690, 691, 696, 702, 706, 730, 731, 734, 770, 771, 774, 777, 1148 to 1154, inclusive, 1161, 1162, 1164, 1167, 1179, 1180, 1181, 1224, 1225, 1226, 1232, 1266, 1268, 1269, 1274, 1304, 1324, 1325, 1327 to 1336, inclusive, 1339, 1343, 1369, 1370, 1373 to 1384, inclusive, 1385, 1386, 1387, 1388, 1389, 1391, 1397 to 1409, inclusive, 1411 to 1416, inclusive, 1417 to 1419, inclusive, 1420 to 1433, inclusive, 1434, 1455, 1512 to 1539, inclusive, 1641, 1642, 1658, 1712, 1718, 1731, 1732, 1733, 1744, 1745, 1758, 1761, 1792, 1825, 1826, 1827, 1828 to 1835, inclusive, 1841, 1842, 1847, 1848, 1850, 1851, 1852, 1907, 1908, 1913, 1914, 1915, 1916, 1948, 1972, 1976, 1977, 1977A, 1978, 1979, 1980, 1981, 1982, 1987, 1995, 2041 to 2049, inclusive, 2092, 2112 to 2118, inclusive, 2152 to 2221, inclusive, 2225 to 2237, inclusive, 2507, 2531 to 2539, inclusive, 2578, 2579, 2595, 2596, 2757, 2759 to 2762, inclusive, 2764, 2765, 2766, 2767, 2768, 2769, 2771, 2782, 2974, 2979, 2980, 3093, 3094, 3095, 3120, 3121, 3122, 3133, 3134, 3135, 3193, 3194, 3255, 3282, 3283, 3322, 3324, 3350, 3557, 3657, 3888, 4035, 4091, 4178, to 4189, inclusive, 4405, 4406, 4407, 4408, 4761, 5812, 6051, 6236, 6394, 6424, 7289, 8092, 8115, 8146, 8147, to 8168, inclusive, 8170, 8171, 8172, 8189, 8285, 8289, 8350, 8358, 8373, 8376, 8379, 8380, 8382 to 8390, inclusive, 8493 to 8512, inclusive, 8544, 8555, 8556, 8559, 8560, 8582 to 8589, inclusive, 8782 to 8822, inclusive, 8837, 8860, 8866, 9746,

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9747, 9749, 9750 to 9756, inclusive, 9782, 9783, 9790, 9792, 9793, 9801, 9802, 9803 and 9804.

Repealing certain Session Acts.

Section 5. The following session laws enacted by the Legislative Assembly of Montana are hereby repealed: Section 1 of Chapter 110, Section 1 of Chapter 37, and section 1 of Chapter 112 of the Laws of the Eleventh Legislative Assembly of 1909; sections 1, 2, 3, 4, 6, 7, 8 and 9 of Chapter 2, section 1 of Chapter 18, and sections 4, 9, 19, and 25 of Chapter 120, of the Laws of the Twelfth Legislative Assembly of 1911; all of Chapter 8, sections 204 and 606 of Chapter 76, and all of Chapters 99 and 100 of the Laws of the Thirteenth Legislative Assembly of 1913; all of Chapters 28, 41, and 123, and Chapter 9 of Chapter 141 of the Laws of the Fourteenth Legislative Assembly of 1915; sections 5 to 8 inclusive of Chapter 54, all of Chapters 98, 102, and 147 of the Laws of the Fifteenth Legislative Assembly of 1917; all of Chapters 2 and 8 of the Laws of the Fifteenth Extraordinary Legislative Assembly of 1918; and section 9 of Chapter 195 of the Laws of the Sixteenth Legislative Assembly of 1919.

Repealing Initiative Act.

Section 6. An act initiated and passed by the people at the general edection of 1914 entitled "A bill to propose by initiative petition a law, 'Providing for the safe investment of the state permanent common school funds, and all other state educational, charitable and penal institution funds in the securities herein designated, for the prompt collection of interest thereon, providing a method of procedure in making said investments to guard and protect such funds and prescribing the duties and obligations of the various officers of the state and the several counties to whom such funds are intrusted'," is hereby repealed. The repeal of the act mentioned in this section shall not be deemed to effect any right or obligation heretofore created under the terms of said act, nor to prevent the foreclosure of any mortgage executed under the terms of said act.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 24, 1921.

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CHAPTER 110.

An Act Providing That All School Districts in the State of Montana, which have been Heretofore or which may be Hereafter Divided by the Creation of a New County Under the Provisions of Chapter 112, Laws of the Twelfth Legislative Assembly, or Chapter 133, Laws of the Thirteenth Legislative Assembly, or Chapter 139, Laws of the Fourteenth Legislative Assembly, or Chapter 226, Laws of the Sixteenth Legislative Assembly of the State of Montana, shall be Joint School Districts and Subject to All the Laws of the State of Montana, Relating to Joint School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

School districts divided by creation of new county to be joint districts.

Section 1. That all school districts in the State of Montana which have heretofore, or that may be hereafter divided by the creation of a new county under and by virtue of the provisions of Chapter 112, Laws of the Twelfth Legislative Assembly, or Chapter 133, Laws of the Thirteenth Legislative Assembly, or Chapter 139, Laws of the Fourteenth Legislative Assembly, or Chapter 226, Laws of the Sixteenth Legislative Assembly shall be joint school districts and shall be subject to all laws of the State of Montana, relating to the management and control of joint school districts.

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1921.

CHAPTER 111.

An Act Relating to the Attachment and Levy of Execution Upon Personal Property Covered by the Lien of Conditional Sales, Notes, Contracts or Investments.

Be it enacted by the Legislative Assembly of the State of Montana:

Attachment of property covered by conditional sales notes, etc.

Section 1. That personal property covered by the lien of conditional sales notes, contracts, or instruments filed or recorded in the manner provided by Section 5092 of the Revised Codes of Montana of 1907, may be taken on attachment or execution issued at the suit of a creditor of the owner of such property subject to such lien,

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but before the property is so taken, the officer must pay or tender to the payee under such lien the amount of the lien debt and interest, or must deposit said amount with the County Treasurer of the county in which the lien is filed, payable to the order of the payee named in said lien; and when the property then taken is sold under process, the officer must apply the proceeds of the sale in the same manner and the same procedure shall thereafter be had as in the case of mortgaged personal property sold, or about to be sold, on attachment or execution; and the payee named in said lien shall have the same rights and duties as a mortgagee, and the owner of said property subject to any of said liens shall have the same rights, duties and obligations as the mortgagor of personal property.

Approved February 25, 1921.

CHAPTER 112.

An Act Regulating the Custody of the Moneys and Securities of the State, Designating the State Treasurer, the Treasurer of Every State Board, Commission, Bureau, Department, and State Institution, and Providing for the Deposit of all State Moneys, Securities, and Evidences of Indebtedness With the State Treasurer Twice Monthly; and Providing the Method and Manner of Keeping State Funds and of Paying Out Same; and Providing for Revolving Funds at State Institutions.

Be it enacted by the Legislative Assembly of the State of Montana:

State Treasurer treasurer of state institutions.

Section 1. The State Treasurer is hereby designated the Treasurer of each and every state board, commission, bureau, department and state institution, now existing or hereafter to be created or established. On the tenth and twenty-fifth days of each calendar month every state officer and every other employe or agent of the

Deposit of moneys.

State of Montana must deposit with the State Treasurer all moneys, securities, or other evidences of indebtedness, except such securities or other evidences of indebtedness as covered under Chapter 96, Session Laws 1915 as amended, coming into his possession or under his control since the date of his last preceding remittance, save as hereinafter provided, The State Treasurer shall

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issue his official receipt for each and every such payment, and shall deposit such payments by him received in the respective funds for and on account of which the same were collected and received. Official receipt.

Section 2. That no moneys received by the State Treasurer shall be paid out by him except upon state warrant issued by the State Auditor, and the State Auditor shall not issue his warrant upon the State Treasurer save by virtue of unexhausted appropriation therefor made by the Legislative Assembly, and after the presentation to him of a claim duly approved by the State Board of Examiners, save and except for salaries and compensation of officers fixed by law; provided, however, that nothing in this Act contained shall require an appropriation by the Legislature for the administering of any specific trust funds administered by any State board, commission or department. Limitation on payment of moneys and issuance of warrants.

Section 3. For the support and endowment of each and every of the state institutions of the State of Montana now existing or hereafter to be created there is annually and perpetually appropriated respectively: Permanent appropriation for University of Montana.

1. The income from all permanent funds and endowments, and from all land grants as provided by law;

2. All fees and earnings of each and every of such state institutions, from whatsoever source they may be derived;

3. All such contributions as may be derived from public or private bounty.

The entire income from all such permanent funds and endowments and from all land grants, and all contributions from public and private bounty, shall be kept by the State Treasurer in specific fund accounts, so entitled as to indicate clearly their purposes and sources. All income from fees and earnings of each and every of such state institutions, from whatsoever source they may be derived, other than as hereinbefore specified, shall be deposited by the State Treasurer to the credit of the General Fund, but the State Auditor shall keep upon his books such separate accounts with each and every of such institutions as may be required by the State Board of Examiners, and shall exhibit in each of said accounts all receipts and payments into and from each of said accounts. Said accounts shall be entitled "Revolving Appropriations," preceded by the name of Income how used.

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the institution to which they pertain, and with such other descriptive titles as may be necessary to designate them clearly and unmistakably.

Contingent revolving account authorized.

Section 4. The State Board of Examiners may in its discretion, by resolution duly adopted and entered upon the minutes of said Board, authorize the establishment and maintenance at any and all of the state institutions, or in any of the departments, boards or commissioners, of Montana of Contingent Revolving Accounts, transferring in trust to the business offices of said institutions such sums of money as may appear necessary, to be used by said institutions for the payment of demands requiring immediate cash payment, under specific regulations to be established by said Board of Examiners. But each and every state institution granted a Contingent Revolving Account shall report to the State Board of Examiners monthly all transactions involving such Contingent Revolving Accounts, with proper vouchers for every payment made therefrom. The State Board of Examiners may cancel such authorizations and recall such funds at pleasure.

Incomes from dormitories, how used.

Section 5. The State Board of Examiners may in its discretion, by resolution duly adopted and entered upon the minutes of said Board, permit any state institution to retain its possession, under such conditions as the Board may prescribe, incomes from dormitories conducted by state institutions, and moneys deposited in trust by students, members, inmates or other persons, which may be subject to refund to the depositors on demand or otherwise. The State Board of Examiners may cancel such permission and require the deposit of any or all such funds with the State Treasurer at its pleasure.

Misdemeanor.

Section 6. Any state officer or other employe or agent of the state who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding Five Hundred Dollars ($500.00) for each and every offense.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 25, 1921.

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CHAPTER 113.

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Article XVI of the Constitution of the State of Montana by Adding Thereto a Section to be Known as Section 7, Authorizing the Legislative Assembly by a General or Special Law to Provide a Form and Plan of Government for Counties or for Cities and Counties Under Such Form or Plan as the Legislative Assembly May Prescribe.

Be it enacted by the Legislative Assembly of the State of Montana:

Submission of amendment to Article XVI of State Constitution.

Section 1. That Article XVI of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1922.

Section 2. That Article XVI of the Constitution of the State of Montana be and the same is hereby amended by adding thereto a section to be known as Section 7 and to read as follows:

Proposed amendment relative to government of cities and counties.

"Section 7. The Legislative Assembly may, by general or special law, provide any plan, kind, manner or form of municipal government for counties, or counties and cities and towns, or cities and towns, and whenever deemed necessary or advisable, may abolish city or town government and unite, consolidate or merge cities and towns and county under one municipal government, and any limitations in this constitution notwithstanding, may designate the name, fix and prescribe the number, designation, terms, qualifications, method of appointment, election or removal of the officers thereof, define their duties and fix penalties for the violation thereof, and fix and define boundaries of the territory so governed, and may provide for the discontinuance of such form of government when deemed advisable; provided, however, that no form of government permitted in this section shall be adopted or discontinued until after it is submitted to the qualified electors in the territory affected and by them approved.

Ballots.

Section 3. That separate official ballots be provided at the general election to be held in November, 1922, which shall have printed thereon the words: "For the

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amendment to the Constitution relating to the form of county governments or county and city governments." and "Against the amendment to the Constitution relating to the form of county governments or county and city governments," and each elector shall designate his preference by marking an "X" before the proposition for which such elector desires to vote.

Canvassing vote.

Section 4. The votes cast for and against the amendment above proposed shall be canvassed and determined as provided by the general election laws of the State of Montana.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect upon its passage and approval.

Approved February 26, 1921.

CHAPTER 114.

An Act Creating a Game and Bird Preserve in the County of Teton, State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Creating Blackfoot game preserve in Teton county.

Section 1. That Township Twenty-six (26), North of Range Eight (8), West of the Montana Meridian, in Montana, be, and the same is hereby created a Game and Bird Preserve, to be known as the "Blackleaf Preserve", within the County of Teton, State of Montana, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for, trapped or killed, or to trap, capture or molest any of the game animals or birds of any kind whatever within the limits of said game and bird preserve hereby created, or to interfere with nests or eggs of such birds, or to carry or discharge any fire-arms, or to create any unusual disturbances tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink, or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as now are or may be establishel for the admin-

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istration of Game and Bird Preserves by the State Game and Fish Commission.

Misdemeanor.

Section 2. Any violation of any of the provisions of this Act shall be a misdemeanor, and upon conviction, shall be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail of not less than ten (10) days nor more than one-hundred (100) days, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 115.

An Act to Amend Chapter Twenty-nine of the Montana Session Laws of 1917; Being An Act to Prohibit Gambling on Games Played Upon Pool and Billiard Tables; To Punish Those Who Participate Therein, as Well as Those Who Conduct or Carry on Such Games; and to Provide for Early Closing of all Pool Halls, Billiard Halls, Bowling Alleys and Other Places Where Pool or Billiards is Played.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4, Chapter 29, Laws 1917.

Section 1. That Section 4 of Chapter 29 of the Montana Session Laws of 1917 be, and the same is hereby amended to read as follows:

Minors under 18 forbidden entrance to pool and billiard halls.

"Section 4. Every owner, proprietor, manager, or employee of a pool or billiard hall who permits a minor under the age of eighteen (18) years to play, resort, or stop therein, is guilty of a misdemeanor."

Section 2. All acts, or parts of acts, contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved February 26, 1921.

CHAPTER 116.

An Act Amending Section 4 of Chapter 43 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Relative to the Term of Office of Water Commissioners.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4, Chapter 43, Laws 1911.

Section 1. That Section 4 of Chapter 43 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be, and hereby is amended to read as follows:

Term of office of water commissioner.

"Section 4. Every water commissioner so appointed shall hold his office for such time during the irrigating season of each year as may be designated by the judge in the order making such appointment; provided, that the judge shall not fix the date of commencing such term until requested in writing, by at least three persons entitled to the use of such waters, and may in his discretion, or when requested in writing by at least three of such persons entitled to use of such waters, change the time for the closing of the commissioner's service."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 117.

An Act Relating to Agisters' Liens and Liens for Services Performed Upon Personal Property, and Amending Section 5805 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 5805 R. C. 1907.

Section 1. That Section 5805 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

Liens of agisters and others for services.

"Section 5805. Every person, who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant thereof by labor or skill employed for the making, repairing, protection, improvement, safe keeping or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner or lawful claimant for such service and for material, if any, furnished in connection therewith. A ranchman, farmer, agister, herder, hotel keeper, livery boarding or feed stable keeper, to whom any horses, mules, cattle, sheep, hogs, or other stock are intrusted, and there is a contract, express or implied, for their keeping, feeding, herding, pasturing or ranching, has a

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lien upon such stock for the amount due for keeping, feeding, herding, pasturing or ranching the same, and is authorized to retain possession thereof until the sum due is paid. The lien hereby created shall not take precedence over the lien of prior chattel mortgages or other recorded liens on the property involved, unless within ten (10) days from the time of receiving the property, the person desiring to assert a lien thereon shall give notice in writing to said mortgagee or other lien holder, stating his intention to assert a lien on said property under the terms of this Act, and stating the nature and approximate amount of the work, or feed, performed or furnished or intended to be performed or furnished therefor.

Priority of liens.

Notice to other lien holders.

Such service may be made either by personal service or by mailing by registered mail a copy of said notice to the mortgagee or other lien holder at his last known post-office address. Said service shall be deemed complete upon the deposit of the notice in the post-office".

Service of notice.

Section 2. Within ten (10) days after the date of such mailing, or five (5) days after such personal service, the mortgagee or other lien holder, or his representative, shall have the right to take possession of said property upon payment of the amount of the lien then accrued. A failure on the part of such mortgagee or other lien holder so to do shall constitute a waiver of the priority of such chattel mortgage or other lien.

Possession of property.

Section 3. If payment for such work, labor, feed or services or material furnished, is not made within thirty (30) days after the performance or furnishing of the same, the person entitled to a lien under the provisions of this section may enforce said lien in the following manner: He shall deliver to the sheriff or a constable of the county in which the property aforesaid is located a statement of the amount of his claim against said property, a description of the property and the name of the owner thereof, or of the person at whose request the work, labor or services were performed, or the materials furnished. Upon receipt of such statement, the sheriff or constable shall proceed to advertise and sell at public auction so much of the property covered by said lien as will satisfy same. Such sale shall be advertised, conducted and held in the same manner as provided

Enforcement of lien.

Sale of property by sheriff.

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Disposition of proceeds.

by law for the sale of mortgaged personal property by sheriffs. The proceeds of the sale shall be applied by the sheriff to the discharge of the lien and the costs of the procedings in selling the property and enforcing the lien, and the remainder, if any, or such part as is required to discharge the claims, shall be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against said property, and the balance of the proceeds shall be turned over to the owner of the property.

Lien not to be lost when.

Section 4. The lien created by this Act shall not be lost by reason of any forcible or fraudulent taking of the property from the possession of the person entitled to said lien, but in all such cases the person entitled to such lien shall be entitled to recover possession of the property by proper action instituted in court against any person in whose possession the property may be found.

Section 5. All acts, and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1921.

CHAPTER 118.

An Act to Repeal Chapter Twenty-one of the Laws Enacted at the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana, Approved August 11th, 1919, Relating to the Montana Trade Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chapter 21, Laws 1919.

Section 1. That Chapter twenty-one of the laws enacted at the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana, approved August 11th, 1919, and entitled 'An Act Making the Board of Railroad Commissioners ex-officio the Montana Trade Commission for regulating of prices and charges of commodities, food-stuffs and products, articles of merchandise and farm implements and machinery, and burial lots in public cemeteries operated for private gain within the State of Montana; prohibiting unjust and unreasonable profits; prohibiting unreasonable and unjust charges for commodities, food-stuffs and products, articles of merchandise and farm implements and machinery, and burial

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lots in public cemeteries operated for private gain, sold within the State of Montana; providing penalties for the violation of the provisions of this Act; authorizing such Trade Commission to appoint a market investigator and assistant thereto, and to employ clerks and assistants for the purpose of carrying out the provisions of this Act; providing penalties for giving or accepting bribes, and for appeals to the district court, and declaring this Act to be an emergency law and a law necessary for the immediate preservation of the public peace and safety' be and the same is hereby repealed.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 119.

An Act Accepting the Provisions of Section Sixteen of Public Act of the 66th Congress, No. 239, Entitled: 'An Act to Provide for the Allotment of Lands of the Crow Tribe, for the Distribution of Tribal Funds, and for Other Purposes.'

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble: Whereas, the Act of the 66th Congress, No. 239, Entitled: "An Act to Provide for the Allotment of Lands of the Crow Tribe, for the Distribution of Tribal Funds, and for Other Purposes," provides in Section Sixteen thereof among other things as follows:

"That there is hereby granted to the State of Montana for common-school purposes sections sixteen and thirty-six, within the territory described herein, or such parts of said sections as may be non-mineral or non-timbered, and for which the said State has not heretofore received indemnity lands under existing laws; and in case either of said sections or parts thereof is lost to the State by reason of allotment or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, non-mineral, non-timbered lands within said reservation, not exceeding two sections in any one township. The United States shall pay the Indians for the lands so granted $5 per acre, and sufficient money is hereby appropriated out of the Treasury of the United States

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not otherwise appropriated to pay for said school lands granted to the said State: Provided, That the mineral rights in said school lands are hereby reserved for the benefit of the Crow Tribe of Indians as herein authorized: Provided, further, That the Crow Indian children shall be permitted to attend the public schools of said State on the same condition as the children of white citizens of said State."

Acceptance of Act of Congress for allotment of lands of Crow Indians.

Section 1. For the purpose of enabling the State of Montana to take advantage of the grant made by the aforesaid Public Act No. 239 of the 66th Congress, the State of Montana hereby accepts said grant for common-school purposes of Sections sixteen and thirty-six, within the Crow Indian Reservation, or such parts of said sections as may be non-mineral or non-timbered, and for which the said State has not heretofore received indemnity lands under existing laws; and in case either of said sections or parts thereof is lost to the State by reason of allotment or otherwise, the governor of Montana, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, non-mineral, non-timbered lands within said reservation, not exceeding two sections in any one township.

Crow Indian children to be permitted to attend schools.

Section 2. The Crow Indian children residing in the State of Montana shall be hereafter permitted to attend the public schools of the State of Montana on the same conditions as the children of white citizens of the said State.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 120.

An Act to Amend Section 8 of Chapter 146 of the Montana Session Laws 1909, Being An Act for the Creation, Organization of Irrigation Districts, and Relating to the Compensation of Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 8, Chapter 146, Laws 1909.

Section 1. That Section 8 of Chapter 146 of the Montana Session Laws of 1909, is hereby amended so as to read as follows:

Compensation of commissioners.

"Section 8. The Commissioners sitting as a Board or when engaged in the business of the district shall each

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receive not to exceed $5.00 per day. No Commissioner or any other officer named in this Act shall in any manner be interested directly or indirectly in any contract awarded or to be awarded by the Board, or in the profits derived therefrom; and for any violation of this provison, such offcer shall be deemed gulty of a misdemeanor and his conviction thereof shall work forfeiture of his office and he shall be punished by fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the County Jail not exceding six (6) months, or by both such fine and imprisonment."

Not to be interested in contracts.

Misdemeanor.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 121.

An Act Authorizing the Issuance of Alias Writs of Attachments by District Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever a writ of attachment has been lost, or whenever it shall appear from the sheriff's return thereof that no property of the party or parties defendant has been levied upon, or that the levy made is insufficient to satisfy the full amount of the plaintiff's demand, or if, for any reason, the levy of the original writ is void or ineffective, the clerk of the court upon written demand of the plaintiff or his attorney, shall issue on alias writ in the same form as the original, but no such alias writ shall be issued in any action after the commencement of the trial thereof. No new or additional affidavit or undertaking on attachment shall be required for the issuance of an alias writ. Alias writs of attachment may be issued to the sheriffs of different counties.

Alias writs of attachment may issue.

Section 2. All acts and parts of acts in conflict herewith are hereby reepaled.

Approved February 26, 1921.

CHAPTER 122.

An Act Providing for the Publication and Distribution of the Revised Codes of Montana of 1921.

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Be it enacted by the Legislative Assembly of the State of Montana:

Board of Examiners to contract for publication of Codes.

Section 1. The State Board of Examiners in hereby authorized to contract for the publication of the Revised Codes of Montana of 1921; said contract shall be advertised and let in the same manner as provided by law for the letting of contracts for state printing.

Conditions of contract.

Section 2. The Board of Examiners shall contract for the publication of said work on the terms most expeditious and advantageous to the state, and the contract shall specify that one thousand sets of said codes shall be printed and delivered to the Secretary of State of Montana, for the purpose of distribution as hereinafter provided.

Time for performance.

Section 3. The Board of Examiners shall fix the time to be allowed for the completion of the work, and the performance of said work within the time so fixed shall constitute a part of the terms of the contract.

Style of publication.

Section 4. The work shall be published in four volumes similar in the style of printing, quality of paper and workmanship to the Revised Codes of Montana of 1907, except that buckram binding instead of sheep may be accepted in the discretion of the board. The styles and size of type to be used, and the form and plan of arrangement shall be designated by the Code Commissioner of Montana, subject to the approval of the Justices' of the Supreme Court.

Supply for public use.

Section 5. The contract shall require the publisher to keep on hand for sale at a reasonable price to be fixed by the State Board of Examiners, a sufficient number of copies of said codes to supply all demands for the same for private use in the State of Montana for a period of ten years.

Payment for work.

Whenever the Secretary of State of Montana shall issue his certificate that he has received one thousand sets of said codes, printed and bound in accordance with said contract the State Auditor is hereby directed to draw his warrant in favor of the publishers of said code for the amount of money due under said contract, and the State Treasurer is hereby authorized to pay said warrant out of any moneys in his hands appropriated for said purpose by the legislature. The State Board of Examiners is also hereby authorized in its discretion to advance to the publishers of said work partial payments upon said contract during the progress of the work,

Advances.

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whenever in its judgment the making of such advance is necessary and proper to promote the progress of said publication.

Bond of publisher.

Section 6. The publisher to whom said contract is awarded must execute to the State of Montana, a good and sufficient bond to be approved by the Board of Examiners in the sum of ten thousand dollars conditioned for the faithful performance of said contract.

Distribution of Codes.

Section 7. The Secretary of State upon receipt of said published codes shall distribute the same, or so many of them as may be necessary, in the following manner, to-wit:

To each department of the State Government of Montana, one copy.

To each member of the Seventeenth Legislative Assembly of Montana, one copy.

To the State Law Library, two copies.

To the Library of Congress, one copy.

To the State Historical and Miscellaneous Library, one copy.

To the State Law Librarian, for the purpose of exchanges with libraries, universities and other institutions, such number of copies, not to exceed one hundred as may be required by him.

To each of the component institutions of the University of Montana, one copy.

To the United States District Judge for the district of Montana, and to each of the Judges of the Supreme and District Courts of Montana, one copy.

To the County Clerk of each County, three copies, for the use of the various county officials.

To each County Attorney and to each Clerk of the District Court, one copy.

Section 8. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 123.

An Act Forbidding the Casting or Throwing of Any Materials in Any Mining Shaft, Drift, Tunnel, or Opening upon Any Mining Claim or Property, or Causing the Same to Cave In or Rendered of Less Value, and Prescribing a Penalty Therefor.

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Be it enacted by the Legislative Assembly of the State of Montana:

Obstruction of mining shafts and tunnels forbidden.

Section 1. Any person who shall, in any manner, cast, throw, place in, or cause to enter, fill, obstruct, or partially fill or obstruct, any drift, shaft, tunnel, open cut or any other opening in or upon any mining claim or mining property owned, possessed or lawfully held or claimed by another under the laws of the State of Montana, or under the laws of the United States, or otherwise, any debris, stone, rock, earth, timber, brush, carcass of any dead animal, machinery, appliances or any other material or thing whatsoever, without the written consent of the person owning or lawfully possessing such mining property or claim, or who shall, in any manner, cause such drift, shaft, tunnel, open cut or other opening to cave in or otherwise rendered of less value for use, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail of not less than thirty days nor more than six months, or by both such fine and imprisonment. A conviction under the provisions of this act shall not affect any right to recover damages for the doing of anything herein forbidden, or the commission of any trespass upon a mining claim or property of another.

Misdemeanor.

Section 2. All acts and parts of acts in conflict herewith are herby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 124.

An Act to Provide for the Sending of Indigent Lepers to the Federal Home for Lepers.

Be it enacted by the Legislative Assembly of the State of Montana:

Disposal of indigent lepers.

Section 1. When a case of leprosy occurs in an indigent person in the State of Montana, it shall be the duty of the State Board of Health, through its Secretary, to communicate with the United States Public Health Service, for the purpose of getting such case admitted to the Federal Home for Lepers at Carville, Louisiana. If it is found that the case can be admitted, the State

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Board of Health shall have authority, and is empowered, to send the case to such institution at the expense of the county in which the case occurred and such case shall be transported in accordance with the rules and regulations of the United States Public Health Service, relative to the interstate transportation of lepers.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 125.

An Act for the Protection and Conservation of the Supply of Natural Gas of the State of Montana, Prohibiting the Waste and Wasteful Use of Natural Gas through the Burning or Consumption Thereof for the Manufacturing or Producing of Carbon or Other Resultant Products Therefrom, Prohibiting the Taking, Using, Sale or Other Disposition of Natural Gas from Gas Wells for Such Purposes, and Providing Penalties for the Violation of Such Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Waste of natural gas unlawful.

Section 1. The use, consumption or burning of natural gas taken or drawn from any natural gas well or wells, or borings from which natural gas is produced for the products where such natural gas is burned, consumed or otherwise wasted without the heat therein contained being fully and actually applied and utilized for other manufacturing purposes or domestic purposes is hereby declared to be a wasteful and extravagant use of natural gas and is hereby declared to be unlawful.

Regulation of use of natural gas.

Section 2. No person, firm or corporation, having the possession or control of any natural gas well or wells, except as herein provided, or borings from which natural gas is produced, whether as a contractor, owner, lessee, agent or manager, shall use, sell, or otherwise dispose of natural gas, the product of any such well or wells, or borings for the purpose of manufacturing or producing carbon or other resultant products from the burning or consumption of such natural gas, without the heat therein contained being fully and actually applied and utilized for other manufacturing purposes or domestic purposes.

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Misdemeanor.

Section 3. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1000.00) for each offense and each and every day in which any person, firm or corporation shall violate any of the provisions hereof shall constitute a separate offense hereunder and subject the offender to the penalty hereby provided.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 126.

An Act Amending Section 155 of the Revised Codes of Montana of 1907, Relating to the Distribution of Senate and House Journals and the Session Laws.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 155 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Distribution of Senate and House Journals and Session Laws.

"Section 155. Distribution of Senate and House Journals and Session Laws.—Immediately after the Senate and House Journals and the Session Laws mentioned in subdivision nine of the preceding section are bound, the Secretary of State must distribute the same as follows:

1. To the County Clerk of each county one copy of the Senate Journal and one copy of the House Journal for the use of the county.

2. To the State Historical Library such number of copies of the Senate and House Journals, not exceeding 150 of each, as may be required by it for purposes of distribution and exchange.

He shall distribute the Session Laws as follows:

1. To each department of the government at Washington, and of the government of this State, one copy.

2. To the library of Congress, and the State library, two copies each.

3. To the State Historical and Miscellaneous Library, two copies; to the State Law Librarian, three copies and in addition to the State Law Librarian for the purpose of exchange, a sufficient number of copies to meet the exchanges established by him.

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4. To the law libraries and the legislative reference libraries of each of the states and territories such number of copies as are given by them in exchange with the Montana State Law Library and the legislative reference libraries.

5. To the members of Congress, to the United States District Judge, to each of the Judges of the Supreme and District Courts, and to each of the State officers of this State, one copy.

6. To the Lieutenant-Governor, each member of the Legislative Assembly, Secretary of the Senate, and Chief Clerk of the House of Representatives at the Session at which Laws and Journals were adopted, one copy.

7. To each of the incorporated colleges of the State and to the State University, one copy; to the Law Librarian of the State of Montana as many copies not to exceed fifty, as may be required by him for exchange with libraries maintained by other states and territories.

8. To the County Clerk of each county, three copies for the use of the county.

9. To each County Attorney, and to each Clerk of the District Court, one copy.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1921.

CHAPTER 127.

An Act Amending Section 7299 of the Revised Codes of Montana of 1907, Relating to the Time of Commencement of Action for the Foreclosure of Mechanics and Materialmen's Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 7299, R. C. 1907.

Section 1. That section 7299 of the Revised Codes of Montana, of 1907, be and the same is hereby amended to read as follows:

Time for foreclosure of mechanics' liens.

"Section 7299. All actions under this chapter must be commenced within two years from the date of the filing of the lien."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1921.

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CHAPTER 128.

An Act Authorizing the Transfer of Money in Certain Special State Bond Funds to the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Transfer of special state funds to general fund authorized.

Section 1. The State Treasurer of Montana is hereby authorized to transfer to the General Fund of the State, all moneys now in the following special bond funds and all moneys which may hereafter be received on account of said special bond funds, to-wit:

The State Bond Fund,

The State Insane Asylum Bond Fund, and

The State Insane Asylum and Tuberculosis Sanatarium Improvement Bond Fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1921.

CHAPTER 129.

An Act to Provide for the Creation, Organization, Government and Extension of Drainage Districts, to Prescribe the Rights, Powers and Duties Thereof; to Provide for the Construction, Maintenance and Control Thereby, of Drains; to Provide for the Payment Therefor; to Provide for the Assessment and Collection of Taxes and Assessments Therefor, and Repealing, with Certain Reservations, Chapter 147 of the Session Laws of 1915, Chapter 144 of the Session Laws of 1909, Sections 2403 to 2497, both Inclusive, of the Revised Codes of Montana for 1907, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Who may petition for creation of district.

Section 1. Whenever a majority of the adult owners of lands within any district of land, who shall represent one-third in area of the land within said district to be reclaimed or benefited, or whenever the adult owners of more than one-half of the lands within such district desire to construct one or more drains, ditches, levees, waste ditches or other works across the lands of others,

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Contents of petition.

or to straighten, widen, deepen or otherwise alter any natural stream or water course not navigable, for the promotion of the public health or welfare, and the drainage of said lands and removal of surface waters therefrom, or desire to maintain and keep in repair any such drain, ditch or levee heretofore constructed under any law of this state, such owners may file in the District Court of any county in which the lands, or any part of them shall lie, a petition setting forth:

(1) The proposed names of said drainage district.

(2) The necessity of the proposed work, describing the necessity.

(3) A general description of the proposed starting points, routes and termini of the proposed drain, ditches and levees.

(4) A general description of the lands proposed to be included in said district.

(5) The names of the owners of all lands in said district when known.

(6) If the purpose of said petitioners is the enlargement, repair and maintenance of a ditch, levee or other work heretofore constructed under any law of this state, said petition shall give a general description of the same, with such particulars as may be deemed important.

(7) Said petition shall pray for the organization of a drainage district by the name and with the boundaries proposed, and for the appointment of commissioners for the execution of such proposed work, according to the provisions of this and the following sections.

State lands how included in district.

(8) Any lands, the title to which is in the State of Montana, and which are within the boundaries of any drainage district heretofore created, or which may be hereafter created, may be included in any such drainage district in the same manner as is by law provided for adding other lands to drainage districts whenever it is found necessary to include lands in drainage districts as by the preceding paragraphs provided. Any and all copies of petitions, or notices, required by law to be served on account of such lands being included in such drainage districts, shall be served on the President of the Board having control of such lands in the same manner as is hereinafter provided for the service of petitions and notices on other owners of lands in the district in which said lands are situated.

Service on Stat Land Board.

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Amendments to petition permitted.

Section 2. No petition having as many signers as are required by this section shall be declared void, but the court may at any time permit the petition to be amended in form and substance to conform to the facts, if the facts justify the organization of a drainage district.

Different petitions may be circulated.

Several similar petitions for the organization of the same district may be circulated, and when filed, shall together be regarded as one petition having as many signers as there are separate adult signers on the several petitions filed, who own lands within said proposed drainage district. All petitions for the organization of said district filed prior to the hearing on said petition shall be considered by the court, the same as if filed with the first petitions placed on file, and the signatures thereon contained shall be counted in determining whether sufficient land owners have signed said petition.

Territory need not be contiguous.

Section 3. Said territory need not be contiguous, provided that it be so situated that the public health or welfare will be promoted by such drainage of each part thereof, and the benefits of the proposed work in each part will exceed the damages from the costs of said proposed work in each part; and provided, further, that the court shall be satisfied that said proposed work can be more cheaply done if in a single district than otherwise.

Order and notice of hearing.

Section 4. On such petition being filed the court or judge thereof shall make an order fixing a time and place of hearing thereon and ordering notice; thereupon the clerk of said court, for the county in which the proceedings are instituted, shall cause twenty days' notice of the filing of such petition to be given.

Posting.

(1) By posting notice thereof in at least five of the most public places in the proposed district in which said work is to be done.

Service.

(2) By serving or causing to be served a copy of such notice on each owner of land within said proposed district, residing in any county in which any lands in said proposed district are situated either personally or by leaving a copy thereof at his last usual place of abode, with a person of suitable age and discretion, to whom its contents shall be explained, and,

Publication.

(3) By publishing a copy thereof at least once a week for three successive weeks in some newspaper published in each county from which any part of the district is proposed to be taken. If there be no newspaper in

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any such county, such notice may be published in a newspaper published in an adjoining county.

Contents of notice.

Such notice shall state:

(1) In what court said petition is filed.

(2) State briefly the starting points, routes and termini of said drains, ditches and levees.

(3) Give a general description of the proposed work.

(4) Give the proposed boundaries of said district (or a general description of all of the lands in said proposed district).

(5) Give the name proposed for said drainage district, and,

(6) Shall also state the time and place by the court fixed, when and where the petitioners will ask a hearing on said petition.

Affidavit as to non-resident owners.

Section 5. If any of the owners of land in said district are non-residents of the county or counties in which the proposed district lies, the petition shall be accompanied by an affidavit giving the names and postoffice addresses of such non-residents, if such are known, and if unknown shall state that, upon diligent inquiry their names or postoffice addresses (whichever may be the fact) cannot be ascertained. The clerk of the court shall mail a copy of the notice aforesaid to each of said non-resident owners whose postoffice address is known, within six days after the first publication of the same.

Certificate of clerk.

Section 6. The certificate of the clerk of the court, or other public officer, or the affidavit of any other person who knows the facts, affixed to a copy of said notice, shall be sufficient evidence of the posting, serving, mailing or publication thereof.

Personal service to give jurisdiction.

Section 7. Personal service of such notice on (or service by leaving at the last usual place of abode of) all owners of lands or easements or interest in lands within said district, shall give the court complete jurisdiction, without posting, publication or mailing of said notice.

Jurisdiction pending completion of service.

Section 8. If it shall be found, before the hearing on a petition for the organization of a drainage district, that one or more owners of land in said district have not been duly served with notice of hearing on said petition, the court, or presiding judge, shall not thereby lose jurisdiction. The court or presiding judge, in such case shall adjourn the hearing, make an order directing the serving of said notice upon said land owner, and fixing

Court to order service of notice.

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the time and manner of service of such notice, which notice shall notify him to appear at said adjourned time and place and be heard on said petition.

Notice how served.

Section 9. Said notice shall be served personally or by leaving at the last usual place of abode of said unserved owners, as in Section 4 of this act provided, not less than eight days before said adjourned hearing, or published not less than fourteen days before said adjourned hearing, in some newspaper published in the county in which said owners' lands lie, or if no newspaper be published in said county, then in some newspaper published in an adjoining county.

Proceedings on adjourned day.

Section 10. Upon the adjourned day the same proceedings, adjournments, trial findings and orders may be had as in case of complete service of notice in the first instance. In case of failure to mail said notice as herein required, the court or judge may order the same mailed later, and shall adjourn said hearing so that said notice shall be mailed at least fourteen days before said adjourned hearing. In case of failure to publish or post notice, as in this act required, the court or judge may adjourn said hearing for sufficient time to permit the due posting and publication of said notice, and order said notice posted or published as in Section 4 hereof directed. In case of adjournment to permit notice to be given the notice shall state the fact of such adjournment and the time and place of hearing pursuant to said adjournment.

Further adjournment in certain cases.

Contests on hearing.

Section 11. On the day fixed for hearing on such petition all parties owning lands, or any interest or easement in land, within said proposed district, or who would be affected thereby, may appear and contest

(1) The sufficiency of the petition,

(2) The sufficiency of the signers of the petition,

(3) The sufficiency of the notice,

(4) The constitutionality of the law, and

(5) The jurisdiction of the court, specifying their objections to such jurisdiction; and the petitioners and contestants may, on the trial, offer any competent evidence in regard thereto. All notices of contest shall be in writing and shall clearly specify the grounds of contest.

Court to determine sufficiency of petition.

Section 12. The court shall hear and determine whether or not the petition contains the signatures of a majority of the adult owners of lands within the said proposed district who are of lawful age, and who repre-

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sent one-third in area of the lands proposed to be affected by said work, or the signatures of the adult owners of more than one-half of such lands, and shall determine all questions of law arising on said contest. The District Court in which such petition shall be filed, or the Judge thereof, may adjourn the hearing on said petition from time to time for want of sufficient notice, or to give time to prepare for trial, or for other good cause.

Affidavits as prima facie evidence of facts.

Section 13. The affidavits of any ten or more of the signers of said petition stating that they have examined it and are acquainted with the locality of said district and that said petition is signed by a sufficient number of adult owners of lands in said district to satisfy section 1 of this chapter, may be taken by the court or judge as prima facie evidence of the facts therein stated. And the affidavit of any petitioner or other land owner before such court, or represented before the court, giving the age of such affiant and his or her ownership of such lands, to be named therein by proper description, shall be sufficient evidence to the court of such facts.

Fraudulent deeds.

Section 14. All deeds made for the purpose of establishing or defeating the prayer of said petition, and not made in good faith and for a valuable consideration, shall be taken and held to be a fraud, and the holders thereof shall not be considered as the owners of the land described therein.

Dismissal of petition.

Section 15. If the court or presiding judge thereof, after hearing any and all competent evidence that may be offered for and against the said petition, shall find that the same has not been signed as herein required, the said petition shall be dismissed at the cost of the petitioners, and judgment shall be entered against said petitioners for the amount of said costs.

Costs.

Findings as to sufficiency of petition.

Section 16. But if it shall appear that the petition has been so signed, the court or judge shall so find, and order any necessary amendments thereto, and shall appoint three suitable, competent persons as commissioners, and fix their preliminary bond. If the district is situated in two or more counties, not more than two of said commissioners shall reside in any one of said counties. Ownership of land within the district shall not disqualify a person from acting as a commissioner.

Appointment and bond of commissioners.

Oath of commissioners.

Section 17. Before entering upon their duties such Commissioners shall take and subscribe an oath to support the Constitution of the United States and the Constitution

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of the State of Montana, to faithfully and impartially discharge their duties as such commissioners, and to render a true account of their doings to the court by which they are appointed whenever required by law or the order of the court, and shall execute a bond running to the clerk of said court and his successors in office as obligees, to be filed with said clerk for the benefit of the parties interested, in an amount to be fixed by the court or presiding judge, and with sureties to be approved by the court or presiding judge, conditioned for the faithful discharge of their duties as such commissioners and the faithful accounting for and application of all moneys which shall come into their hands as such commissioners.

Bond.

Quorum.

A majority shall constitute a quorum and a concurrence of a majority in any matter within their duties shall be sufficient to its determination.

Term of office of first commissioners.

Section 18. The commissioners first appointed shall hold their office until the first Tuesday in the second succeeding July following the date of the order organizing such district, and until their respective successors are qualified. All commissioners appointed after the first board, excepting those appointed to fill vacancies, shall hold their respective offices for the term of two years and until their respective successors are qualified.

Appointments to fill term of Drainage Commissioner.

Section 19. Appointments to fill expired terms in the office of Drainage Commissioner shall be made by the presiding judge of the District Court of the county having jurisdiction of the drainage district at the court house therein on the first Tuesday of July in each succeeding year or as soon thereafter as possible.

Vacancies, how filled.

Section 20. Vacancies in the board may be filled by such judge at any time, the commissioners appointed to hold for the residue of the unexpired term. The removal of any commissioner from the county or counties in which lands of such district are situated shall render his office vacant.

Records to be kept by commissioners.

Section 21. The commissioners shall keep an accurate record of all moneys collected on account of the work under their charge and of all payments made by them, and shall take vouchers for such payments and shall keep full, accurate and true minutes of all their proceedings.

County Treasurer custodian of funds.

Section 22. The County Treasurer of the county wherein the court having jurisdiction of such district is located, shall be the custodian of all funds belonging to

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the district, and he shall pay out such funds upon warrants drawn by the Board of Commissioners of such district, except that the bonds of said district and the interest coupons thereon shall be payable as they mature, on presentation to such treasurer.

Commissioners to file itemized statements.

Section 23. On the first Tuesday of July each year the Commissioners shall file in the office of the clerk of the court having jurisdiction in the matter, an itemized statement of all their receipts and disbursements, and leave said report in such office for examination by parties interested at all times.

Compensation of commissioners.

Section 24. They shall receive for their services such compensation as the court or presiding judge thereof may determine. They shall also receive their actual, reasonable expenses.

Control by court.

Section 25. They shall at all times be under the control or direction of the court or presiding judge, and shall obey its or his directions; for failure so to do they shall forfeit their compensation and be dealt with summarily as for contempt.

Suit on official bonds.

Section 26. Suit may also be brought upon their bonds, in the name of the clerk of the court, and the amount recovered shall be applied to the construction of the work or to the party injured, as justice may require.

Organization of commission.

Secretary.

Employment of attorneys.

Section 27. Within ten days after said commissioners shall be appointed and qualified they shall meet and organize by electing one of their number president, and a secretary, who may or may not be one of their number, they shall appoint one or more attorneys to assist in the establishment of the district and advise with its officers, agents and employees, prepare reports and other necessary documents. The court shall allow such attorney or attorneys just compensation to be taxed in the case. They shall also appoint a competent civil and drainage engineer, who may be an individual, a co-partnership or a corporation, who may employ assistants and make surveys and with the approval of the court may employ a consulting engineer or secure expert advice, and the expense of the engineer, his assistants and the consulting engineer, shall be taxed as expenses under the petition. And as soon as may be, thereafter, they shall personally examine the lands in said district and make a preliminary report to the court, which report shall state:

Employment of engineer.

Preliminary report—contracts.

(1) Whether said proposed work is necessary, or

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would be of utility in carrying out the purposes of the petition.

(2) Whether the proposed work would promote the public health.

(3) Whether the proposed work would promote the public welfare.

(4) Whether the total benefits from said proposed work will exceed the cost thereof together with the damages resulting therefrom; and in arriving at this they shall include all benefits and all damages resulting therefrom both within and without said district.

Boundaries.

(5) Said commissioners shall in said report fix as near as may be and report to the court the boundaries of said proposed drainage district. Said boundaries shall not be so changed from those in the petition described as to deprive the court of jurisdiction by reason of not having on the petition the required number of signers owning land within said changed boundaries.

Best plan to be recommended.

Section 28. If said proposed work, as in the petition described, is not best suited to carry out the purposes of the petition, the commissioners shall consider and base their report upon the one best suited to carry out those purposes and propose to the court the one by them considered.

Hearing on preliminary report.

Section 29. Upon the filing of the preliminary report the court or the presiding judge thereof shall by order fix a time and place when and where the same shall be heard at some general or special term of said court, not less than thirty days from the filing of said report.

Notice of hearing.

Publication.

Notice of the time and place of hearing upon said preliminary report shall be given to all interested persons by publishing a brief notice of the filing of said report, including a brief statement of the substance of said report in one or more newspapers published in each county in which any land in said proposed drainage district shall be situated (or if no newspaper is published in said county, in one or more newspapers in an adjoining county) once in each week for three successive weeks prior to the day appointed for hearing thereon.

Contents of notice.

Said notice shall describe all lands by said report included in said district, which were not included therein by the petition, and state that such lands are to be included in said district, and shall describe all lands excluded from said district which were by the petition included therein and

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shall state that such lands are to be excluded from said district.

Hearing on day fixed.

Section 30. Upon the day fixed for hearing upon said report said court may adjourn said hearing for good cause or may proceed to hear, try and determine all issues arising upon said report.

Remonstrances.

Section 31. Any interested party may appear and remonstrate against said report or any material part thereof. All remonstrances shall be in writing, be verified on oath, be filed at least five days before the day fixed for hearing, and shall set forth the facts upon which they are based.

Notice to owners of added lands.

Section 32. When lands are added to the district the owners thereof shall be served with said notice as provided for serving of notice of hearing on the petition.

Issues how tried.

Section 33. All issues arising upon said preliminary report shall be tried by the court without a jury. If the court shall find in favor of the remonstrance, or if said report be that the proposed work will not promote the public health, and will not promote the public welfare, or that the benefits from said proposed work will not exceed the damages and cost of construction, and no remonstrance against said report is filed, the petition shall be dismissed and the costs taxed against the petitioners, and judgment entered therefor, as in Section 58 hereinafter provided.

Findings of court—dismissal of petition.

Favorable findings and confirmation.

Section 34. But if the preliminary report be that the benefits of said proposed work (or work by the commissioners proposed) will exceed the damages and the cost of construction and that the public health will be promoted thereby, or that the public welfare will be promoted thereby, and no remonstrance thereto is filed, or if on the trial of the issues made on said report the court finds that the benefits will exceed the damages and cost of construction, and that the public health or the public welfare will be promoted by said proposed work, the court shall make and file such findings in writing and make an order confirming said report, or directing amendment of the report to conform to the findings of said court. And when so amended the court shall by order confirm the same, and direct said commissioners to proceed with said work with all convenient speed.

Effect of findings.

Section 35. Such findings and order shall be final and conclusive unless appealed from to the Supreme Court within thirty days after filing thereof.

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Organization of district.

Section 36. Upon entering of such order of confirmation of said preliminary report of record, such drainage district shall be, and is thereby declared to be organized as a drainage district, by the name mentioned in said petition, or such other name as the court shall fix, with the boundaries fixed by the order confirming the report of said commissioners, to be a body corporate by said name fixed in said order, with the right to sue and be sued, to adopt and use a seal, and to have perpetual succession.

Commissioners as corporate authority.

Section 37. The commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute the corporate authority of said drainage district, and shall exercise the functions conferred on them by law, and do all things and perform all acts necessary to the construction and preservation of the proposed work.

Necessity of proceedings.

Section 38. All proceedings herein required, prior to the entry of such order of confirmation of record, shall be deemed to be and are hereby declared to be necessary to the formation of said body corporate.

Surveys and maps to be made.

Section 39. As soon as may be after the confirmation of the said preliminary report, or within such time as the court may direct, said commissioners shall proceed to have all necessary levels taken and surveys made, and shall lay out said proposed work, make a map thereof and plans, profiles and other specifications thereof, and report in writing to the court.

Contents of report.

Section 40. First: Whether the starting points, routes and termini of the proposed work and the proposed location thereof as in the petition contained, are in all respects proper and feasible, and, if not, shall report such as are most proper and feasible.

Contents of report.

Section 41. Second: If it be found necessary to change the boundaries of said proposed district, as by them previously fixed, they shall report said proposed change, and, if possible, shall report the names, residence and postoffice addresses of the owner or owners of all lands affected by said change in boundaries, but no such change in boundaries shall be made as to deprive the court of jurisdiction; provided, however, that if the owners of lands adjacent to the district petition to have their lands brought into the district such may be considered the same as original petitioners in making changes of boundaries.

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Contents of report.

Section 42. Third: What lands within the district, as by them reported, will be injured by the proposed work, if any, and they shall therein award to each tract, lot, easement or interest by whomsoever held, the amount of damages which they shall determine will be caused to the same by the proposed work.

Contents of report.

Section 43. Fourth: What lands within the district as by them reported will be benefited by the proposed work; and they shall assess against each tract, lot and easement, by whomsoever held, the amount of benefits which they determine will be caused to the same by the proposed work. This shall be shown by a report of the Commissioners showing their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1—"Owners of property assessed;' 2—'Description of property assessed;' 3—'Number of acres assessed;' 4—'Amount of benefits assessed;' 5—'Number of acres taken for right-of-way;' 6—'Value of property taken;' 7—'Damages; which shall be known as the assessment roll. The benefits so assessed are herein referred to as 'assessment of benefits' ".

Contents of report.

Section 44. Fifth: They shall also determine and report to the court the total amount, as near as they can determine, that said proposed work will cost, which cost shall include all incidental expenses, the reasonable cost of organizing said district, the costs of proceeding and all probable damage to lands, both within and without the district, together with a reasonable attorney fee for the petitioners, which cost will hereinafter be referred to as "cost of construction."

Report to fix sums to be assessed.

Section 45. If the cost of construction of any particular part of the work so proposed to be done should be assessed upon any particular tract or tracts, lot or lots of land, or upon any corporation or corporations, the commissioners shall so specify, and in their report they shall fix and determine the sums which should be assessed against said tracts, lots and corporations, and assess such sum against said tracts, lots and corporations.

Special benefits to be reported and assessed.

Section 46. And if any corporation would, in the judgment of said commissioners, derive special benefits from the whole or any part of such proposed work, the commissioners shall so report and assess those benefits and assess against the same its proportionate share of the costs of said proposed work. The word "corporation" "Corporation" defined.

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whenever in this act contained, shall be construed to include:

(1) Railroad companies.

(2) Other private and quasi public corporations of all kinds.

(3) Towns.

(4) Cities.

(5) Villages; and

(6) Other drainage districts.

(7) Counties.

"Cost of construction" how apportioned.

Section 47. They shall apportion and assess the part of this "cost of construction," not assessed as above, against the several benefited tracts, lots and easements in said drainage district, in proportion to the benefits which they have assessed against the same, by setting down opposite each tract, lot or easement, the sum which they assess against the same for construction. The assessments which together make up the cost of construction, as above defined, are herein referred to as "assessments for construction."

Cost of upkeep to be reported.

Section 48. Sixth: The commissioners shall further report to the court the probable cost of keeping said proposed work in repair after it is completed.

Other contents of report.

Section 49. Seventh: They shall include in their said report, said map, plans and other specifications and file the same with their report.

Commissioners may change plan of works.

Section 50. The commissioners shall not be confined to the points of commencement, routes or termini of the drains or ditches, or the number, extent or size of the same, or the location, plan or extent of any levee, ditch or other work, as proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as to them shall seem best, to promote the public health or welfare, and to drain, or to protect the lands of the parties interested with the least damage and the greatest benefit to all lands affected thereby. And any plan proposed by the commissioners may, on the application of any person interested, on the hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner as shall appear to the court to be just.

Court may alter plan.

Commissioners may extend boundaries of district or alter same.

Section 51. If the commissioners find that the proposed district, as described in the petition filed, will not embrace all of the lands that will be benefited by the

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proposed work, or that it will include lands that will not be benefited and are not necessary to be included in said district for any purpose, they shall extend or contract the boundaries of the proposed district so as to include or exclude all such lands, as the case may be; and the boundaries adopted and reported by them may, upon the hearing of their report, as hereinafter provided, upon their application, or that of any person interested, be altered by the court in such manner as shall appear to be just, provided, that the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district as to render such petition void or dismissable. Said report shall be filed with the clerk of the court.

Notice of time and place of hearing report.

Section 52. Upon the filing of such report, the court shall make an order fixing the time and place when and where all persons interested may appear and remonstrate against the confirmation thereof, and the clerk of such court shall cause notice to be given to all parties interested by publication thereof for at least three successive weeks before the date of such hearing, in at least one newspaper in each county wherein lands located in such district are situate, which notice shall contain a statement of the time and place of the hearing of said report, and a brief statement of the substance thereof.

Clerk to mail notice of awards and assessments.

Section 53. Upon a date not later than the date of the first publication of the notice in the last paragraph referred to, the clerk of such court shall also cause to be mailed to each of the persons or corporations recommended by said report to be assessed, or whose lands are by said report recommended to be included in said district, at his or its last known postoffice address, a notice containing a brief description of the land or easement belonging to such person or corporation benefited or damaged, and of the net damage awarded to such tract, parcel, easement or corporation, and the sum assessed against such benefited parcel, tract, easement or corporation.

Court may order modification.

Section 54. If the court finds that the report requires modification, the same may by order of the court be referred back to the commissioners, who may be required to modify it in any respect.

Confirmation of report.

Section 55. If there be no remonstrance, or if the finding be in favor of the validity of the proceedings, or after the report shall have been modified to conform to

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the findings, the court shall confirm the report and the order of confirmation shall be final and conclusive, the proposed work shall be established and authorized, and the proposed assessments approved and confirmed, unless within thirty days an appeal be taken to the Supreme Court, the said order of confirmation shall also fix the commissioners' bond.

Appeals.

Revision of order.

Section 56. Said order of confirmation may, at the same or at any subsequent term of said court, be revised, modified or changed, in whole or in part, on petition of the commissioners, after such notice as the court may require, to parties adversely interested.

Supplemental report may be required.

Section 57. At any time prior to making the order confirming said report or thereafter the court may permit the commissioners to present and file a supplemental report, or amend their report, as to any matter which, pursuant to the provisions hereof, was or might have been included in the original report presented by them, and after reasonable notice given to all parties interested, in such manner as the court shall direct, the court may, upon the hearing in said matter, make such order as the case may require.

Judgment against petitioners on dismissal.

Section 58. In case the petition or proceedings are dismissed as provided in Section 33 hereof, a judgment shall be entered against the petitioners and in favor of the commissioners for the costs, expenses, and liabilities incurred in said proceedings, but for the benefit of those who have rendered services or advanced money in the prosecution of said proceedings, or have recovered costs on successful contests therein.

Judgment against land owners.

In case the proceedings are dismissed (at) any time, or the district is discontinued for any cause subsequent to the time provided in Section 33 hereof, a judgment shall be entered against the owner of all of the lands then within the boundaries of said drainage district and in favor of the commissioners for all costs, expenses and liabilities incurred in said proceedings up to and including the time of said dismissal or said discontinuance, but for the benefit of those who have rendered service, or advanced money in connection with said drainage district, or have recovered costs on successful contests herein.

Commissioners to file itemized statement of costs, etc.

Section 59. Before any such judgment is entered, said commissioners shall file with the clerk of the District Court, in which said proceedings were instituted, an itemized statement of such costs and expenses, duly veri-

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fied, upon which an order shall issue, requiring said petitioners to show cause before said court, at a time and place named, why judgment should not be entered against said petitioners for the amount of said costs and expenses. Notice of the hearing on said order to show cause, shall be given to said petitioners, by mailing to each a copy thereof, to their last known postoffice address, at least twenty days prior to the time set for hearing, and by publication of the same in one or more newspapers, published in the county where the proceedings are pending, at least three successive weeks prior to the day set for such hearing. Said notice need not contain an itemized statement of said account.

Notice of hearing.

Section 60. All petitioners shall, among themselves, contribute in the payment of said judgment, in proportion to the number of acres of land they have within the boundaries of the proposed district at the time of filing of said petition.

Contribution among petitioners.

Section 61. At the time of the confirmation of such assessments, it shall be competent for the court to order the assessment for construction of new work, to be paid in not more than fifteen annual installments, of such amounts and at such times as will be convenient for the accomplishment of the proposed work, or for the payment of the principal and interest of such notes or bonds of said district, as the court shall grant authority to issue, for the construction of new work. The court shall also, by such order, fix a date on which the first installment of the assessments for construction shall become due, not more than five years after the date of the order, and each of said installments shall draw interest at the rate of seven per cent per annum from the date of said order.

Court may order assessments paid in installments.

Section 62. From the time of the entry of said order, assessments for construction of new work and additional assessments and interest thereon shall be a lien upon the lands assessed, until paid. Any owner of land, or any corporation assessed for construction, may at any time within thirty days after the confirmation of said report, pay into court, the amount of the assessment against his land or any tract thereof, or against any such corporation. Said payment shall relieve said lands from the lien of said assessment, and said corporation from all liability on said assessment.

Lien of assessments.

Upon presentation to the State Auditor of an order of the District Court having jurisdiction of such drainage

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State Auditor to draw warrant on State Treasurer for assessments against state land.

district, properly certified, the auditor shall draw his warrant on the treasurer on the common school fund in favor of the commissioners of such drainage district for the total amount that may be assessed against any lands included in such district, the title to which is in the State of Montana, and upon the payment of such warrants such lands shall thereby be relieved from the lien theretofore created for such costs of construction.

Annual report of commissioners.

Section 63. Commissioners having charge of any completed drain, ditch, levee or other work, shall, on the first Tuesday of June in each year, file with the clerk of the court having jurisdiction, a report in which they shall specify in detail the labor necessary to the preservation and protection of the work under their control, the places where repairs are especially needed, and the sum to be assessed against each tract, lot, easement or corporation to pay all necessary repairs, maintenance, incidental expenses and interest on outstanding indebtedness. No notice of the filing of such report shall be necessary. All such assessments shall be apportioned on the last assessments or benefits confirmed by the courts.

Examination of report—objections.

Section 64. Within thirty days after filing such annual report, at a time and place to be fixed by the court or presiding judge, the court or presiding judge shall examine said report, hear all objections to the same, fix and determine the amount of such assessments, and cause such adjudication to be entered of record in said court, and a certified copy of the same to be delivered to said commissioners.

Commissioners to certify assessments to county treasurer.

Section 65. On or before the first Monday in September of each year, the commissioners shall certify to each county treasurer of each county wherein the lands of the district are situate, a correct list of all the district lands in such county and the owners thereof, together with a statement of the amount of the total tax or assessment against said lands for district purposes, for that year, and the county treasurer of each county shall collect such taxes or assessments at the same time and in the same manner as county and state taxes.

Treasurer to collect taxes.

Disposal of taxes when land in more than one county.

Section 66. Where lands of any district lie in more than one county, the district taxes or assessments collected in all other counties shall be remitted to the county treasurer of the county wherein the court having jurisdiction of said district is located, on or before the first day of January of each year.

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Rules of law applicable to collection of taxes to apply.

Section 67. The rules of law applying to the collection of taxes and sale of land for taxes shall, unless in conflict with this act, apply to the collection and sale of lands for drainage assessments, and delinquent sales of land for unpaid taxes and assessments shall be made in the same manner as for state and county taxes in the respective counties where such lands are situate, and the right of redemption shall in all cases be made the same as in cases where lands are sold for state or county taxes. Such drainage district shall be entitled to the benefit of all penalties and interest upon delinquent district assessments.

Assessments against certain corporations where payable.

Section 68. Assessments against all public corporations, or any private corporation not owning land within the district, shall be payable to the county treasurer wherein the court having jurisdiction of the district is located, on or before the first day of September of each year.

Certification of assessments when made.

Section 69. When commissioners shall fail to certify to the county treasurer of the proper county, any one or more drainage assessments for construction or repair or additional assessment against any lands in said district, at the proper time, they may certify the same to the county treasurer at any time thereafter, whether in the same or any subsequent year.

Right of entry and inspection.

Section 70. The commissioners, their agents, servants and employees shall have the right to go upon all lands along any drain, ditch, levee or embankment in their district, to inspect, deepen, widen and repair the same whenever necessary, doing no unnecessary damage, and shall not be liable for trespass therefor.

Right to construct along right of way, etc.

Section 71. Said commissioners shall have the right to lay out and construct all necessary drains, ditches and levees across any railway right of way or yards in their district, and any railway company whose right of way or yards crosses the line of any proposed drain, ditch or levee, shall open its right of way or yards and permit such drain, ditch of levee to cross the same, as soon as said drain, ditch or levee is constructed to such right of way.

Liability to railroad companies for costs of bridges, etc.

Section 72. Every drainage district shall be liable to the railway company whose right of way or yard any of its drains, ditches or levees crosses, for the reasonable cost of the culverts and bridges, made necessary by said drain, ditch or levee, crossing said right of way or yards,

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but of not of more expensive character than the average other culverts and bridges on said division of railway, crossing streams or ditches of approximately the same width and depth, and within a hundred miles of said district ditches.

Railroad companies to permit commissioners to construct drains, etc.

Section 73. Upon receiving fifteen days' notice in writing, any railway company whose right of way or yard any such drain, ditch or levee is laid out shall open its right of way or yards and permit said commissioners and their contractors, agents and employees to construct said drain, ditch or levee, or to repair, maintain or clean out same, across said right of way or yards. For every day that said railroad company fails, after the end of said fifteen days, to open their said right of way or yard, as hereinbefore required, it shall forfeit twenty-five dollars to said drainage district, to be collected in an action, as other forfeitures are collected, or set off against any damages that have been awarded to such company. If said railway company fails to open its right of way or yard along the line of said drainage district, drain, ditch or levee, the commissioners may, at any time after the expiration of said fifteen days, open such right of way and yard along the line of said drains, ditches and levees, and construct the same.

Penalty.

Additional assessments may be made.

Section 74. If in the first assessment for construction the commissioners shall have reported to the court a smaller sum than is needed to complete the work of construction, or if in any year an additional sum is necessary to pay the lawful indebtedness of said drainage district, further or additional assessments on the land and corporations benefited, proportioned on the last assessment of benefits which has been approved by the court, shall be made by the commissioners of said drainage district under the order of the court or presiding judge thereof; provided, however, that the total assessments for original construction and any additional assessments, other than for maintenance, incidental expense and interest on bonds, shall, in no event, exceed the total assessments of benefits as provided in Section 43 of this act, notice of the hearing of the application for such additional assessment shall be published at least once each week for three consecutive weeks in one newspaper published in each county in which said lands, or any part thereof, within said district are situated; which further or additional assessment may be made payable

Limitation.

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in installments as specified in Section 61 hereof, and shall be treated and collected in the same manner as the original assessments for construction confirmed by the court, in said drainage district.

Omissions to assess not to affect jurisdiction.

Section 75. Omission to assess benefits, or to assess for construction, or to make additional assessments, or to make assessment for repairs, or to award damages to any one or more tracts of land or easements in a drainage district, or to assess benefits, or to assess for construction, or to assess for repairs, or to make additional assessments against any corporation which should have been assessed, shall neither affect the jurisdiction of the court to confirm the report nor to render the benefits assessed, or the assessments for construction, or additional assessments, or assessments for repairs against other lands, or assessments against any corporation voidable, but the commissioners of said drainage district shall thereafter, as soon as they discover the omission, or as soon as notice thereof, either agree with the omitted parties upon the proper assessments and award the damages or assess such benefits, make such assessments for construction and make such additional assessments against the omitted lands and corporations, and award such damages as shall be just, and report the facts, together with such assessments and awards, to the court.

Additional assessments.

Land owners—citation to settle adverse claims.

Section 76. Any owner of land, or any interest in land, within the drainage district, who claims that his land in said district is exempt from liability for, or lien of any assessment for construction or repairs, or any additional assessment by said commissioners levied against the same, whether said assessment be the first or any subsequent assessment or questions the legality of such assessment, may at any time, on ten days' notice or order to show cause, be brought before the court having jurisdiction and required to show cause why said land should not be bound by all drainage district assessments in any report or reports of the commissioners of said district assessed against the same. The presumption shall be in favor of the regularity of such assessments, and they shall stand as valid assessments unless the owner of such land, or some interest therein shall show that said assessment is inequitable, or is void because the lands were not subject to assessment in the first instance.

Section 77. On the return day of said notice, or order to show cause, the said owner shall in writing, verified

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Confirmation of assessment on failure of land owner to appear.

on oath, state the facts on which his claim is based. If he fails to appear and set forth such facts, upon the filing of the proof of service of such notice, or order to show cause upon him when notice is necessary, an order shall be made by the court confirming such assessment or assessments, which order shall be final and conclusive unless appealed from to the Supreme Court within thirty days. The court may adjourn the hearing on said return day and thereafter, and if on the return day, or adjourned day, a trial is found necessary, the court shall fix the time and place of trial, and frame all necessary issues as provided in Section 4 hereof.

Money lost on void assessments how paid.

Section 78. In case the court decides that such lands could not, at the time said assessments were made, be assessed for drainage purposes, and that said assessment or assessments, are void, the commissioners shall levy an additional assessment on all of the assessable lands and corporations in said district based on the last assessment of benefits approved by the court, to pay the sum lost to the district by reason of the void assessment, or shall pay said sum out of the general funds of the district.

Commissioners may borrow money.

Section 79 (a) The commissioners may borrow money not exceeding the amount of assessment for the cost of construction and additional assessments, as provided in Section 63, unpaid at the time of borrowing, for the construction or repair for any work which they shall be authorized to construct or repair, or for the payment of any indebtedness which they may have lawfully incurred, and may issue notes or negotiable coupon bonds on the district, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually and not running beyond one year after the payment of the last installment of the assessment, on account of which money is borrowed, shall fall due. Before the issuance of said notes or bonds, the commissioners shall pass a resolution providing for the issuance of such notes or bonds, which said resolution shall fix the rate of interest which said notes or bonds shall bear, not exceeding six per centum per annum, payable semi-annually, the time of payment and, if redeemable before maturity, the date thereof, and shall prescribe the denominations, not exceeding One Thousand Dollars, and form thereof, and may provide that both the principal and interest of said notes and bonds shall be payable at some convenient banking house, or trust company's office, to be named

Issuance of notes or bonds.

Resolutions.

Terms of bonds.

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in said notes or bonds; such notes or bonds shall bear the signature of the President of the drainage district and shall be signed by the Secretary of such drainage district and the coupons attached to the notes or bonds shall be signed by the President and Secretary, provided the facsimile signatures of the President and Secretary may be affixed to the coupons, only when so recited in the notes or bonds, and the corporate seal of the drainage district shall be affixed to each of the notes or bonds. Upon execution, the notes or bonds shall be deposited with the County Treasurer, who shall register the same in a book for that purpose, which shall show the number and amount of each note or bond, its date, the date payable and redeemable, where payable, the person to whom issued and upon sale of the said notes or bonds, the County Treasurer shall deliver the same to the person or persons to whom sold, upon their making payment for the same; said notes or bonds may be sold by the commissioners at either public or private sale, either with or without advertisement as they may deem it to the best interests of the district; said notes or bonds shall not be sold at less than ninety per cent of their face value; said notes or bonds shall not be held to make the commissioners personally liable, but shall constitute a lien upon the assessments for the repayment of the principal and interest of such notes or bonds.

Registry.

Sale of notes or bonds.

(b) In any case any moneys derived from bonds sold to pay for the original construction of said improvement, now or hereafter, remains on hand after the work is completed in original construction, and paid for, and not raised for damages unpaid for, such residue may be used in the maintenance and repair, as in this act provided before making assessments for such maintenance and repair.

Disposal of surplus moneys.

Section 80. And the court may, on the petition of the commissioners, authorize them to refund any lawful indebtedness of the district by taking up and cancelling all of its outstanding notes and bonds, as fast as they become due, or before, if the holders thereof will surrender the same, and issuing in lieu thereof new notes, or bonds of such district, payable in such longer time as the court shall deem proper, not to exceed in the aggregate the amount of all notes and bonds of the district then outstanding, and the unpaid, accrued interest

Court may authorize refunding of indebtedness.

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thereon, and bearing interest not exceeding six per cent per annum.

Letting of contracts.

Section 81. In all cases where the work to be done at any one time under the direction of the commissioners shall, in their opinion, cost to exceed twenty-five hundred dollars, the same shall be let to the lowest responsible bidder, and the commissioners shall advertise for sealed bids, by notice published in some newspaper published in the county in which the petition is filed, and may advertise in one or more newspapers published elsewhere. If there be no newspaper published in the county in which the petition is filed, they shall advertise in some newspaper published in an adjoining county, which said notice shall particularly set forth the time and place when and where the bids advertised will be opened, the kind of work to be let and the terms of payment. Said commissioners may continue the letting from time to time, if in their judgment the same shall be necessary, and shall reserve the right to reject any and all bids.

Bids.

Advertising.

Commissioners not to be interested in contracts.

Section 82. And they shall not during their term of office, be interested directly or indirectly in any contract for the construction of any drain, ditch, levee or other work in such drainage district or in the sale of materials therefor, or in the wages of or supplies for men or teams employed on any such work in said district.

Damages, how paid.

Section 83. The damages allowed to the owners of lands shall be paid or tendered before the commissioners shall be authorized to enter upon the lands, for damage to which the award is made, for the construction of any drains, ditches or levees proposed thereon. If the owner is unknown or there shall be a contest in regard to the ownership of the lands, or the owner will not receive payment, or there exists a mortgage or other lien against the same, or the commissioners cannot for any other reason pay him, they may deposit the said damages with the Clerk of the Court, for the benefit of the owner or parties interested, to be paid or distributed as the court shall direct, and such payment shall have the same effect as the tender to and acceptance of the damages awarded by the true owner of the land. This Section shall not, however, prevent said commissioners, their agents, servants and employees going upon said lands to do any and all work found necessary prior to making their assessment of benefits and award of damages, and the trial on their report thereof.

Deposit with clerk of court.

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Construction along highways, etc., when practicable.

Section 84. When practicable said drains herein provided for shall be laid out and constructed on the side of public highways or along natural water courses.

Commissioners may report benefits to adjacent lands.

Section 85. Whenever any drained lands outside a drainage district are receiving the benefits of the drains of said district, by direct or indirect, natural or artificial connection therewith, the commissioners of said district may report said facts to the court and ask that said lands, describing them, be brought into said district and assessed for the benefits by them received from the drains, ditches or levees of said district.

Notice to land owners to show cause.

Section 86. Upon the filing of said report the court shall order the owners of such lands to be notified of the filing of said report and the contents thereof, and shall require such owners to show cause at a time and place therein fixed, not less than twenty days thereafter, why their said lands should not be brought into said district and assessed for said benefits.

Remonstrances.

Section 87. At the time and place fixed for hearing said report any of said land owners may appear and remonstrate against the confirmation of said report. All remonstrances shall be in writing, verified, and shall set forth the facts on which they are based. All issues arising on said report shall be tried by the court without a jury.

Trial of issues.

Other lands benefitted may be annexed.

Section 88. If the court shall find that said lands or any of them are receiving the benefits of any such drain, ditch or levee, the court shall so find in writing, and shall order said lands to be annexed to and made a part of said district, and benefits to be assessed against the same by the commissioners of said district.

Finality of order —appeals.

Section 89. Said order shall be final and conclusive unless appealed from to the Supreme Court within thirty days from the date of entry thereof.

Assessment against lands benefitted.

Section 90. Said commissioners shall, after the time for appeal is past, assess against each parcel, tract and easement of and said annexed lands reasonable and just benefits, and shall assess against said lands for construction and repairs such sums as shall be just. If lands similarly situated and benefited are found in said district, the annexed lands shall be assessed a like sum of benefits and damages as said lands in the said district to which they are sought to be annexed, and a sum for construction of said work which shall be equal to all sums assessed for the complete construction of the drain-

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age system in the district to which they are sought to be annexed against lands having the same assessment of benefits in said district.

Order to owner to show cause on confirmation of report.

Section 91. The commissioners shall file their said report and assessments in court, the court shall by order require said owners to show cause at a time and place therein fixed, not less than twenty days after the service of said order, why said report and assessments should not be confirmed. And on the hearing of said order to show cause, if a jury trial is demanded, the court shall frame issues on benefits and damages and impanel a jury or adjourn the hearing thereon until some term of court when a jury is in attendance and take the verdict of a jury on such issues. All other issues arising on said report shall be tried by the court. The court shall order all necessary amendments of said report and make written findings of fact, and when said report is amended shall by order confirm the same.

Issues how tried.

Orders and findings.

Court to supervise commissioners.

Section 92. The court shall at all times have supervision of said commissioners, and may at any time require them to make a report on any matter or matters connected with their duties as commissioners, and after due hearing may remove from office any or all of said commissioners for neglect of duty or malfeasance in office or for other good cause. The court may at any time require the commissioners to give new bonds to the clerk of the court and may fix the amount thereof, and said bonds shall be submitted to the court or the presiding judge thereof for approval.

Removal of commissioners.

Assessments to have effect of judgments.

Section 93. Each and every sum assessed for construction, for additional assessment or for repairs against any land or against any corporation, as soon as such assessment is confirmed by the court, shall be and is declared to be a judgment of the district court, in favor of said drainage district and against said land or corporation, and unless some other method of collection is herein provided, shall be collected in the same manner as any other money judgment is collected, provided, that whenever said assessment is a lien upon land it shall only be collected out of said land on which it is a lien.

Collection.

Changes not to effect bonds.

Section 94. No bonds or other money obligations issued by any drainage district shall be adversely affected by any subsequent change in assessments of benefits.

Commissioners as public officers—presumption.

Section 95. Commissioners of drainage district are hereby declared to be public officers, the presumption

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shall be in favor of the regularity and validity of all their official acts. Whenever any report of the commissioners of any drainage district or any part of any such report is contested, remonstrated against or called in question, the burden of proof shall rest upon the contestant, remonstrant or questioner. Burden of proof.

Section 96. In case of failure to serve any notice of any proceeding or hearing in this chapter provided for, upon any person or corporation, such person or corporation, may appear in open court and waive such defect of service, or may waive it by filing in court or delivering to the commissioners of the drainage district to be filed in court a written waiver of such defect, in which waiver said defect shall be described; which waiver shall be signed by such party and witnessed and acknowledged before a proper officer having power to take acknowledgments of deeds. Waiver of defective service.

Section 97. In case of omission to assess any corporation or land that should be assessed for benefits, or construction, or repairs, or additional assessments, or to award damages, said omitted party and the owner of omitted land may in writing agree with the commissioners of said district what the assessment should be against said land, or against said corporation, or what said damages should be and such agreement shall be acknowleged and witnessed as provided above for waivers, and be filed in the court. Owner of land may agree as to omitted assessments.

Section 98. The provisions of this act shall be liberally construed to promote the public health and welfare by reclaiming wet or overflowed lands, building embankments or levees, and the preservation of any system of drainage heretofore constructed according to law. Liberal construction of act.

Section 99. The collection of any assessments made by the commissioners for construction and confirmed by the court, shall not be restrained or obstructed by reason of any omission, imperfection or defect in the organization of any district or in any proceedings occurring prior to the order confirming the assessments of benefits, but such order shall be conclusive as to the regularity of all proceedings relating to the assessments of benefits unless appealed from within thirty days after the entry of such order. Omissions in organization not to affect assessments.

Section 100. Except as hereinafter provided, the provisions of Chapter 147 of the Session Laws of 1915, Chapter 144 of the Session Laws of 1909, Sections 2403 to

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Repealing Chapter 144, Laws 1909; Chapter 147, Laws 1915, Sections 2403-2497, R. C. 1907.

2497, both inclusive, of the Revised Codes of Montana for 1907, and all acts and parts of acts in conflict herewith, are hereby repealed, provided, however, that where any drainage district shall have already been organized under the provisions of any of the laws in this section referred to, and shall have issued bonds, warrants or other evidence of indebtedness, or entered into any contract of purchase or construction, nothing herein contained shall be construed as affecting the rights of the holders of said bonds, warrants or other evidence of indebtedness, or of any person, persons, corporation or association, parties to such contract or contracts with said district, provided further, that within sixty days after the passage and approval of this act, the drain commissioner of each county within the state shall certify to the district court of the county for which he is appointed, a full, true and correct list and description of all drainage districts theretofore created and then existing in such county under any of the laws in this paragraph referred to, and thereupon the court or judge shall appoint three commissioners for each of said districts which then had outstanding any warrants, bonds or other evidence of indebtedness, or which is party to any uncompleted contract with any person, persons, corporation or association. The commissioners so appointed shall qualify and organize as a board as in this act provided, and shall thereafter carry on all the work and business of the district for which they are appointed in the same manner as is provided for the conduct of the business of drainage districts to be organized hereunder.

Exception.

Drain commissioners to certify list of existing districts.

Court to appoint commissioners.

Section 101. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 130.

An Act Amending Section 3 of Chapter 96 of the Montana Session Laws of 1917, as Amended by Chapter 153 of the Montana Session Laws of 1919, Providing for the Extermination of Gophers and Prescribing the Manner in Which the Expense of the Exterminating of the Same Shall Be Paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Three (3) of Chapter 96 of the 1917 Montana Session Laws, as amended by Chapter

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153 of the 1919 Montana Session Laws, be, and the same is hereby amended to read as follows:

Amending Section 3, Chapter 96, Laws 1917, as amended by Chapter 153, Laws 1919.

"Section 3. Compensation, Statement and Voucher to Be Charged Against Said Land as Taxes, After Due Notice: Any person so appointed under the provisions of this article shall receive as compensation the sum of not less than two dollars and fifty cents, or more than four dollars per day for eight hours' labor performed in poisoning and exterminating gophers exclusive of time going to and returning from work. Such person shall make a sworn statement to the county commissioners of the time put in and the poison and grain used on each tract of land, provided that the maximum charge against any parcel of land containing twenty acres or more shall not be greater in any one year than at the rate of twelve dollars per one hundred and sixty acres, on gophers or twenty-four dollars on one hundred and sixty acres infested by prairie dogs, and the minimum charge shall not be less than one dollar against any parcel of land, which amount shall be paid by such county out of its general fund and charged as taxes against each parcel of land on which the expenses were incurred. Provided, that in the case of unpatented land the cost of exterminating gophers or prairie dogs on such land be charged to the personal property of the occupant of such lands. Provided, further, that before the county commissioners shall charge such amount to the taxes of such person or corporation, they shall give such person or corporation at least twenty days' notice by mail, of the time when and the place at which such amount will be charged aginst them, and such person or corporation shall have the right to appear and show cause why such amount shall not be charged against their taxes. Provided, further, that if such person or corporation shall feel aggrieved by the decision of the county commissioners, such person or corporation may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts and the county clerk shall enter such amounts upon the tax roll of the county against the land on which such work has been done, and expenses incurred, and the county treasurer of such county shall collect such amounts the same as taxes, and place the same to the credit of the respective counties from which collected."

Expense of extermination to be taxed against land.

Proviso.

Proviso.

Proviso.

Appeals.

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Section 2. All other acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 131.

An Act Amending Section 444 of the Revised Codes of Montana of 1907, Relating to the Publication of Reports of State Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 444, R. C. 1907.

Section 1. That Section 444 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows:

Reports of public officers how published.

"Section 444. No reports of State Officers, boards, commissions or departments shall hereafter be printed or published until the same has been submitted to the State Board of Examiners, who shall authorize printing and publishing thereof, either in separate volumes or published together in one volume, and the State Board of Examiners shall specify number of volumes which shall be issued."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1921.

CHAPTER 132.

An Act Amending Section 2109 of Chapter 76 of the Session Laws of 1913 as Amended by Chapter 158 of the Session Laws of 1919, Relating to the Submission to Electors of the Question of a Bond Issue for County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2109, Chapter 76, Laws 1913 as amended by Chapter 158, Laws 1919.

Section 1. That Section 2109 of Chapter 76 of the Session Laws of 1913 as amended by Chapter 158 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Submission of question of bond issue.

2109. Submission to Electors of Question of Bond Issue.—The secretary of the board of county high school trustees, whenever a majority of the board shall so decide,

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and upon the presentation of a petition in the manner provided by law, shall certify to the board of county commissioners that they have decided to submit to the taxpayers of the county the question whether the county bonds shall be issued for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificates the amount of such bonds, which amount shall not exceed the sum of four hundred thousand dollars ($400,000.00), in any one county of the first class, and three hundred thousand dollars ($300,000.00), in any one county of the second or third class, and in all other counties shall not exceed the sum of two hundred thousand dollars ($200,000.00), in any one county. Such bonds may run for a term of twenty (20) years or less, but no longer; provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the state constitution.

Submission of question as to bond issue to be divided among several school districts.

It shall also be lawful for a majority of the board of school trustees of any county high school, through its secretary as aforesaid, after the presentation of a petition in the manner provided by law, to certify to the board of county commissioners for submission to the electors of the county, the question as to whether or not county bonds shall be issued for the purposes above specified, the proceeds thereof to be divided between the county high school and the several four year accredited district high schools of the county in the manner designated by said board. In all such cases the question submitted to the electors shall definitely state the amount of said bond issue which is to be expended for or upon the county high school, and the amount thereof which is to be divided among the several four year accredited district high schools of the county, which allotment shall be pro-rated so that each of the four year accredited district high schools shall receive that percentage of the total bond issue which the assessed valuation of the property in the four year accredited high school district bears to the assessed valuation of the entire county.

Term of bonds how fixed.

That as soon as practicable after receiving such certificate, the board of county commissioners shall fix the term for which said bonds are to run, and the rate of interest they shall bear; and shall proceed to submit the question

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of issuing such bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued, the board of county commissioners, at the time of making the levy of taxes for county purposes each year, shall levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year, and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon, and during the remainder of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bonds equal to the quotient produced by taking the whole amount of said bonds outstanding, and dividing it by the number of years said bonds have yet to run; and all moneys so levied, when collected, must be paid into the county treasury to the credit of the county high school and kept in a separate fund, and used for the payment of the principal and interest on said bonds, and for no other purpose; provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds. Said tax shall be levied and collected as other county taxes.

Tax levy to pay bonds and interest.

In any county wherein there are now maintained one or more district high schools, in which a county high school has been created, or may hereafter be created, the trustees of any such school district may, by resolution duly passed at a regular or special meeting of such board of trustees discontinue such district high school to take effect upon the establishment of the county high school; and in case such county high school is located, as provided in this chapter, within any school district maintaining a district high school, it shall be the duty of the board of trustees of such school district to discontinue the district high school.

Discontinuance of district high school.

Section 2. Nothing in this Act shall be construed to amend or repeal any of the provisions of an Act entitled: "An Act requiring a petition of 20 per cent of the qualified electors who are taxpayers to authorize the voting upon the issuance of any school, town, city or county bonds, and providing who are entitled to vote thereon," enacted by the 17th Legislative Assembly of Montana,

Exception.

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and that all other acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 133.

An Act to Amend Section 1306 of the Revised Codes of Montana of 1907 as Amended by Chapter 8 of the Session Laws of 1909, Relating to Farmers' Institutes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1306, R. C. 1907, as amended by Chapter 8, Laws 1909.

Section 1. That Section 1306 of the Revised Codes of Montana of 1907, as amended by Chapter 8 of the Session Laws of 1909, be, and the same is hereby amended to read as follows:

Composition of Board of administration of farmers' institutes.

"Section 1306. The Board of Administration of the Farmers' Institute as provided for in this act, shall consist as follows: The Governor of the State, the President of the Montana State College of Agriculture and the Commissioner of Agriculture, Labor and Industry of the State of Montana, all of whom shall be ex-officio members. Members of such Board of Administration shall be designated the "Directors of the Montana Farmers' Institute," and shall be authorized to hold institutes for the instruction of the citizens of this state in the various branches of farming and farm life, and shall prescribe such rules and regulations as they may deem best for organizing and conducting the same. Such institutes shall be held at such times and places as the directors may designate; provided the requirements of the Board of Administration have been complied with, such as county institute or local organizations providing a suitable hall, lighting and heating the same, and bearing the necessary advertising expense. The directors may employ an agent or agents to perform such work in organizing and conducting said institutes as they may deem best."

Designation.

Authority to hold institutes.

May employ agents.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after April 1st, 1921.

Approved March 1, 1921.

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CHAPTER 134.

An Act to Repeal Chapter 30 of the Laws of the Sixteenth Extraordinary Legislative Assembly of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chapter 30, Ex. Laws 1919.

Section 1. That Chapter 30 of the Laws of the Sixteenth Extraordinary Legislative Asembly of Montana of 1919 be and the same is hereby repealed.

Approved March 1, 1921.

CHAPTER 135.

An Act Repealing Chapter 104 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, the Same Being an Act Entitled 'An Act Prohibiting the Foreclosure of Real Estate or Chattel Mortgages Executed by Soldiers, Sailors or Marines Honorably Discharged from the Military or Naval Service of the United States Until One Year from the Date of Such Discharge, and Providing Penalties for the Violation of This Act.'

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chapter 104, Laws 1919.

Section 1. That Chapter 104 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, the same being an Act entitled: "An Act prohibiting the foreclosure of real estate or chattel mortgages executed by soldiers, sailors or marines honorably discharged from the Military or Naval Service of the United States until one year from the date of such discharge, and providing penalties for the violation of this act" be, and the same is hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 136.

An Act Amending Section 69 of Chapter 147 of the Laws of the Eleventh Legislative Assembly, Relating to Improvements on Leased State Lands.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 69, Chapter 147, Laws 1909.

Section 1. That Section 69 of Chapter 147 of the Laws of the Eleventh Legislative Assembly of Montana be amended to read as follows:

Improvements on leased state land, value how determined.

"Section 69. Should any person apply to lease any of the lands belonging to the State, upon which there are improvements placed there by a former lessee, before a lease shall issue, said applicant shall file in the office of the register, a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the State Land Agent, or one of his assistants, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of such improvements so agreed upon or fixed; or proof that the owner of said improvements elects to remove them. In case the parties do not agree upon the value of the improvements, the State Land Agent, in determining the same, shall consider orchards, buildings, fencing, wells, except wells in prospect for oil, reservoir and irrigation ditches, and the cultivation of the land and the clearing the same from rock or stone, where it is used for agricultural purposes, and any other improvements, which, in the judgment of the State Land Agent, have added value to the land."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 137.

An Act Amending Section 44 of Chapter 147 of the Laws of the Eleventh Legislative Assembly, Relating to Improvements on Leased State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 44, Chapter 147, Laws 1909.

Section 1. That Section 44 of Chapter 147 of the Laws of the Eleventh Legislative Assembly of Montana, be, and the same hereby is, amended to read as follows:

State land agent to investigate lands applied to be purchased.

"Section 44. When an application to purchase any state lands shall be filed in the office of the Registrar, the State Board of Land Commissioners may refer the same to the State Land Agent, who shall visit the land proposed to be purchased and shall report in writing to

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the State Board of Land Commissioners, giving the value of said land and the value of all improvements which have been placed thereon, together with any other facts which may have a bearing in determining the value thereof. If any of the improvements consists of cultivation done thereon by a prior lessee, and the land shall be purchased by any other person than such lessee, the full value of such cultivation shall be paid to the person making same, and the other improvements shall be disposed of as herein otherwise provided."

Purchaser to pay value of cultivation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 138.

An Act to Amend Section 13 of Chapter 145 of the Session Laws of 1917, Entitled: "An Act to Provide for the Organization of Special Road Districts in the Several Counties of the State, to Provide for the Election and Appointment of Directors, and Other Officers for Special Road Districts, Prescribing Their Duties and Regulating the Government Thereof, and to Provide for the Levy of Taxes in Special Road Districts and the Disbursements of the Special Road District Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 13, Chapter 145, Laws 1917.

Section 1. That section 13, chapter 145 of the Session Laws of 1917, be and the same is hereby amended to read as follows:

Election of directors of special road districts.

"Section 13. The regular election for the electing of members of the Board of Directors shall be held in such District at the same time as regular general elections. The Secretary of such board shall cause written or printed notice to be posted at six different and public places in said Special Road District, specifying the date and place of such election and the time during which the ballot box or boxes shall be opened, not less than four hours, however, at each election. Said notices shall be posted in at least three conspicuous and public places as aforesaid in such district and whenever a newspaper published within ten miles of such road district, it shall

Notices.

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be the duty of the president and secretary of said board to cause a notice to be published therein at least once, ten days previous to said election, giving notice of such election, and if the said officers of said district fail to give such notice required by this act, then any two legal voters in and being freeholders there, may give such notice over their names and signatures, whereupon said election may be held at the date fixed by this act for said election.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1921.

CHAPTER 139.

An Act to Amend Sections 2927 and 2932 of the Revised Codes of Montana of 1907, as Amended by Chapter 131 of the Laws of the Fifteenth Legislative Assembly, Relating to County Fairs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2927 of the Revised Codes of Montana of 1907, as amended by Section 1 of Chapter 131 of the Laws of the Fifteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Amending Section 2927, R. C. as amended by Chapter 131, Laws 1917.

"Section 2927. The Board of County Commissioners of each county of Montana may, at their regular meeting in December of each year, or thereafter, appoint from among the electors of their respective counties, five (5) responsible persons to constitute a County Fair Commission. Said persons shall be well qualified to perform the duties of organizing and successfully carrying on a County Fair.

Appointment of county fair commission.

In case there is in any county Fair Association, Horticultural or Agricultural Society, the Board of County Commissioners may appoint said Fair Commission from the members of said Fair Association, Horticultural or Agricultural Society, giving preference in said appointments to the officers of the said Associations or Societies."

From whom appointed.

Section 2. That Section 2932 of the Revised Codes of Montana of 1907, as amended by Section 6 of Chapter 131 of the laws of the Fifteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Amending Section 2932 R. C. as amended by Chapter 131, Laws 1917.

"Section 2932. The funds derived from such appropriation or tax levy shall be kept in a separate fund by

Disposition of funds.

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the County Treasurer, and shall hereafter be paid out by the said Treasurer on orders signed by the President and Secretary of the said Fair Commission.

County commissioners may purchase fair grounds.

"The Board of County Commissioners of any County in the State of Montana may purchase, receive by donation or own and hold a tract of land in their respective counties, not exceeding 160 acres, as county fair grounds, which land may be used by the county fair commission for the purpose of promoting the interests of horticulture, agriculture and stockraising. The Board of County Commissioners who shall avail themselves of the foregoing provisions may purchase, erect, construct and maintain permanent improvements on such county fair grounds.

Improvements.

Authority to appropriate money for fair exhibits.

"The Board of County Commissioners appropriating money for exhibits at State Fair of each County is hereby authorized to appropriate each year the sum of One Thousand Dollars ($1,000.00), or as much thereof as may be necessary, out of the general fund of the county for the purpose of defraying the expenses of collecting, transporting to the State Fair and taking care of any exhibit from such county at the said State Fair; such money to be expended under the direction of the Board of County Commissioners.

Expense of transportation of exhibits.

"The Board of County Commissioners of any county in Montana may appropriate each year the sum of Two Hundred Dollars ($200.00), or so much thereof as may be necessary, out of the general funds of the county for the purpose of defraying the expenses of collecting, transporting and taking care of any exhibit from such county at any County Agricultural Fair, Seed Show, or other Agricultural exhibition held within the State of Montana."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 140.

An Act Creating, Fixing and Establishing a Standard Grade for Certain Species of Hay Sold or Offered for Sale Within the State of Montana; Providing That It Shall Be Unlawful to Sell or Offer for Sale Within

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the State of Montana Any Species of Hay So Standardized Unless Such Species of Hay Meets the Requirements of This Act; Providing a Penalty Therefor; Providing for the Inspection Thereof and Payment of Such Inspection, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Standard grades of hay established.

Section 1. There is hereby created, fixed and established a standard grade for certain species of hay sold or offered for sale within the State of Montana; the standard grade of the hereinafter enumerated species of hay shall be as follows, provided, however, that if the federal grades on hay are established in conflict with any of the following grades, then the federal grade shall govern and become the Montana standard grade:

No. 1 Timothy Hay—Shall be timothy with not more than one-eighth (1/8th) mixed with clover or other tame grasses, may contain some brown blades, properly cured, good color and sound.

No. 2 Timothy Hay—Shall be timothy not good enough for No. 1, not over one-fourth (1/4th) mixed with clover or other tame grasses, fair color and sound.

No. 3 Timothy Hay—Shall include all timothy not good enough for other grades, and sound.

Light Clover Mixed Hay—Shall be timothy mixed with clover. The clover mixture not over one-third (1/3rd), properly cured, sound and of good color.

No. 1 Clover Mixed Hay—Shall be timothy and clover mixed with at least one-half (1/2) timothy, good color and sound.

No. 2 Clover Mixed Hay—Shall be timothy and clover mixed, with at least one-fourth (1/4th) timothy, and reasonably sound.

No. 1 Clover Hay—Shall be medium clover, not over one-twentieth (1/20th) other grasses, properly cured and sound.

No. 2 Clover Hay—Shall be clover, and sound and not good enough for No. 1.

Sample Hay—Shall be sound, mixed, grassy, threshed, or hay not covered by other grades.

No Grade Hay—Shall include all hay, musty or in any way unsound.

Choice Prairie Hay—Shall be upland hay of bright, natural color, well cured, sweet, sound and may contain three (3) per cent weeds.

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No. 1 Prairie Hay—Shall be upland and may contain one-quarter (1/4) midland, both of good color, well cured, sweet, sound and may contain eight (8) per cent weeds.

No. 2 Prairie Hay—Shall be upland, of fair color, and may contain one-half (1/2) midland, both of good color, well cured, sweet, sound and may contain twelve and one-half (12-1/2) per cent of weeds.

No. 3 Prairie Hay—Shall include hay not good enough for other grades, and not caked.

No. 1 Midland Hay—Shall be midland hay of good color, well cured, sweet, sound and may contain three (3) per cent weeds.

No. 2 Midland Hay—Shall be of fair color, or slough hay of good color, and may contain twelve and one-half (12-1/2) per cent of weeds.

No. 1 Mixed Hay—Shall be hay of the different grasses, of good color, properly cured, sweet and sound.

No. 2 Mixed Hay—Shall be hay of the different grasses, not good enough for No. 1, of fair color, properly cured, sweet and sound.

No. 3 Mixed Hay—Shall be hay of the different grasses, not good enough for the other grades, properly cured, sweet and sound.

Packing Hay—Shall include all wild hay not good enough for other grades and not caked.

Sample Prairie Hay—Shall include all hay not good enough for other grades.

Choice Alfalfa—Shall be reasonably fine, leafy alfalfa, of bright green color, properly cured, sound and sweet.

No. 1 Alfalfa—Shall be reasonably course alfalfa, of a bright green color, or reasonably fine leafy alfalfa of a good color and may contain two (2) per cent of foreign grasses, and if baled, five (5) per cent of air-bleached hay on outside of bale allowed, but must be sound.

Standard Alfalfa—May be of green color of coarse or medium texture, and may contain five (5) per cent foreign matter; or it may be of green color, of coarse or medium texture, twenty (20) per cent bleached, and two (2) per cent foreign matter; or it may be of greenish cast, of fine stem and clinging foliage, and may contain five (5) per cent foreign matter. All to be sound and sweet.

No. 2 Alfalfa—Shall be any sound and sweet alfalfa,

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not good enough for standard, and may contain ten (10) per cent foreign matter.

No. 3 Alfalfa—May contain twenty-five (25) per cent stack spotted hay, but must be dry and not contain more than eight (8) per cent of foreign matter; or it may be of a green color and may contain fifty (50) per cent of foreign matter; or it may be set alfalfa and may contain five (5) per cent foreign matter.

No Grade Alfalfa—Shall include all alfalfa not good enough for No. 3.

Choice Blue Joint Hay—Shall be reasonably fine, of bright green color, properly cured, with not more than one-eighth (1/8th) of bright, sound timothy, well baled.

No. 1 Blue Joint Hay—Shall be blue joint, with not more than one-eighth (1/8th) of foreign grasses, bright green color, sound and well baled.

No. 2 Blue Joint Hay—Shall be blue joint, not good enough for either Choice or No. 1, may contain one-fourth (1/4th) foreign grasses, and may contain twenty-five (25) per cent stack spotted hay.

No. 1 Millet Hay—Shall be millet of good color, not over-ripe, properly cured and shall be sweet, sound and well baled.

No. 2 Millet Hay—Shall be millet of fair color, properly cured, sweet, and well baled.

No. 3 Millet Hay—Shall be millet not good enough for the other grades, properly cured and well baled.

Unlawful to sell hay not standard grade.

Section 2. It shall be unlawful for any person, firm or corporation to sell or offer for sale within the State of Montana any of the species of hay, the standard grade of which is created, fixed and established by Section 1 of this Act, unless such species of hay meets the requirements provided for in said Section 1.

Misdemeanor.

Section 3. Any person, firm or corporation who shall violate the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00).

Commissioner of Agriculture, Labor and Industry may regulate inspection of hay.

Section 3-A. That the Commissioner of Agriculture, Labor and Industry may, at the request of the owner of hay, provide rules and regulations for the inspection thereof at the market destination, and provide for the expense of such inspection, to be paid by the owner of hay.

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Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1921.

CHAPTER 141.

An Act to Amend Sections 1, 2, 2(b), 8 and 10 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, as Amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Entitled: "An Act to Create a State Board of Hail Insurance; Defining the Duties and Powers of Said Board and Public Officers in Connection Therewith; Providing for the Levy and Collection of Taxes on All Lands Subject to Injury or Destruction by Hail of All Tax Payers Who May Elect to Become Subject to the Provisions of This Act; Providing for a Hail Insurance Fund; Providing for the Appointment of Appraisers, the Appraisal and Adjustment of Losses and the Settlement Therefor; and Repealing All Acts Which May in Any Way Conflict With This Act;" By Providing for the Zoning of the State and Borrowing of Money by the State Board of Hail Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1 Chapter 169, Laws 1917, as amended by Chapter 34, Laws 1919.

Section 1. That Section 1 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, as amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same hereby is amended to read as follows:

Creation of Board of Hail Insurance.

"Section 1. There is hereby created a State Board of Hail Insurance of five members consisting of the State Auditor and Ex-Officio Commissioner of Insurance, and the Commissioner of Agriculture and Publicity who will be Secretary of the State Board, and three other members to be appointed by the Governor from names submitted therefor by the duly organized Farmers Societies having a general membership throughout the State. The Governor shall designate one of said appointive members to serve for three (3) years to act as Chairman of the Board, one to serve for the term of two (2) years and one to serve for the term of one (1) year. After the first appointments each appointive member of the Board shall

Term.

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be appointed for three (3) years, subject to removal by the Governor for cause. The said Board shall hold meetings when necessary and essential for the proper conduct of its business, at the State Capitol in the Office of the Secretary, and is hereby authorized, directed and empowered to make such rules and regulations as it may from time to time find practicable, necessary and beneficial for the conduct of the Department of Hail Insurance, subject to the provisions of this Act. It shall have full charge of said Department as herein provided for; it shall prepare blank forms for all purposes necessary, proper and incidental to the effective operation and enforcement of this Act, and furnish such forms to all public officers respectively charged with the performance of any official duty in connection therewith; it shall prepare a special form outlining the purposes, scope and benefits of this Act in furnishing protection against loss by hail, at the actual cost of the risk to all taxpayers who may elect to become subject to the provisions of this Act, such form to be submitted by the county assessor of each county at the time in which the regular assessments of property are by such assessors made, to each farmer in each county in the state engaged in the growing of crops subject to injury or destruction by hail, on which forms each such farmer taxpayer shall signify whether he desires to become subject to the provisions of this Act or not. Every such farmer taxpayer who signifies his desire to become subject to the provisions of this Act, shall file in the office of the county assessor the blanks above referred to, properly filled out, not later than August 15th, and shall be chargeable with the tax on lands growing crops subject to injury or destruction by hail, hereinafter provided for, and shall share in the protection and benefits under the hail insurance provisions of this Act. Such application for hail insurance shall be in full force and effect at noon the day following the acceptance of the same by the county assessor.

Meetings.

Rules.

Powers.

Forms to be provided.

Taxpayers may consent to provisions of act.

No owner of land, who has more than one year's delinquent taxes on his land shall be allowed hail insurance under the provisions of this Act, unless his application is accompanied with a cash payment for the amount that would be due on said application in the event of a maximum levy for that year.

Insurance on lands on which taxes delinquent.

Section 2. That Section 2 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the

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Amending Section 2, Chapter 169, Laws 1917 as amended by Chapter 34, Laws 1919.

State of Montana, as amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same hereby is amended to read as follows:

Levy of tax authorized.

"Section 2. A tax is hereby authorized and directed to be levied on all lands in this state growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this

Annual estimate.

Act. The State Board of Hail Insurance shall annually estimate, as near as may be possible, the amount required to pay all losses, interest on warrants and costs of administration, and shall recommend the levy to be made on each kind of land respectively, subject to the provisions of this Act, to the State Board of Equalization; pro-

Limitation on tax.

vided, however, that such tax shall not exceed in any one year the sum of One Dollar and twenty cents ($1.20) per acre on lands sown to grain crops, nor fifty cents (50c) per acre on lands sown to hay crops; and provided further, that if the tax required to pay the estimated losses, interest on warrants and costs of administration, be less than fifty cents (50c) per acre on lands sown to grain crops, and a proportionate amount on lands sown to hay crops, the said Board of Hail Insurance must recommend a tax levy sufficient to raise the full amount

Board may fix rates of insurance.

thereof; provided, further, that the State Board of Hail Insurance may, when they deem it advisable, establish and maintain maximum rates in various parts of the state, which rates shall be commensurate with the risk incurred as nearly as they can determine from past experiences or from any records available. The highest of these rates shall be the same as the maximum established herein and the lowest shall not be less than eighty-five cents (85c) per acre on lands sown to grain crops, and a proportionate amount on lands sown to hay crops. In establishing these zones the Board may lay out not more than three

Notice of rates.

different districts. Notice of the various rates established for any year shall be plainly printed on the applications for hail insurance, and in any year when the requirements of the Hail Insurance Law as herein provided do not require a levy of the maximum rates as established, then the rates for the year shall be determined and levied by the State Board of Hail Insurance for each of the various districts as established, in such proportion as will in their judgment be fair and equitable."

Section 3. That Section 2(b) of Chapter 169 of the

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Session Laws of the Fifteenth Legislative Assembly of the State of Montana, as amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Amending Section 213 of Chapter 169, Laws 1917 as amended by Chapter 34, Laws 1919.

"Section 2(b). When any crop insured under this Act shall have been destroyed by any other cause than hail, the applicant may, by furnishing the proof required by the State Board of Hail Insurance, cause the crop to be withdrawn from the regular levy of the State Board for the current year. Such proof shall be submitted before the first day of July in case of winter wheat and winter rye, and before the twentieth day of July in the case of spring wheat or other spring grain, and if such proof is accepted the State Board will cause a charge, proportionate to the time said crop has been insured per acre to be made against such claimant for all crops that are withdrawn; provided, however, that no withdrawal shall be made on any crop that has been harvested when such crop has been harvested for grain."

Withdrawal of destroyed crop.

Section 4. That Section 8 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, as amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Asembly of the State of Montana, be and the same hereby is amended to read as follows:

Amending Section 8, Chapter 169, Laws 1917, as amended by Chapter 34, Laws 1919.

"Section 8. The State Board of Hail Insurance shall, as soon as praticable, each year appoint three men in each county to appraise all losses by hail incurred under this Act in the various counties. The men so appointed shall be actively engaged in farming or shall have had practical experience in farming and shall be selected from names submitted by regularly organized farmers societies in the various counties. If the recommendations are not made as provided above, then the State Board shall select the appraisers from men actively engaged in farming or men who have had practical experience in farming as heretofore provided. Provided, further, that the State Board of Hail Insurance may call on one or more of the duly appointed appraisers for the adjustment of each and every loss and the said appraisers shall promptly report their findings to the State Board of Hail Insurance, according to the rules provided by the said State Board. Provided, further, that no appraiser who shall be a relative, attorney, agent, employe or creditor,

Board to appoint appraisers in each county.

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or in any manner interested by lien, mortgage or otherwise in the crop injured or destroyed, shall assist in adjusting any such loss. The State Board may in case of emergency appoint more than three appraisers in any county. Also it may send any duly appointed appraiser or appraisers into any county as the occasion may require.

Amending Section 10 Chapter 169, Laws 1917, as amended by Chapter 34, Laws 1919

Section 5. That Section 10 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, as amended by Chapter 34 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same hereby is amended to read as follows:

Payment of losses how made.

"Section 10. The State Board of Hail Insurance shall, as soon as practicable after loss has been sustained, arrange for the payment of the losses as follows: From the amount of the loss as adjusted for each claimant the State Board of Hail Insurance shall deduct the amount the claimant then owes as delinquent hail insurance tax and the maximum amount assessed as hail insurance tax for the current year, and shall make settlement within forty (40) days from time loss is sustained in the following manner: By paying, either by registered warrant or otherwise if funds are immediately available, fifty per cent (50%) of the total loss as agreed on, less, however, the maximum rate of assessment; balance to be paid at the expiration of the hail season. The State Board of Hail Insurance shall, on or before November 1st, order the State Auditor to draw a warrant for the amount so deducted on the State Hail Insurance Fund which warrant shall be remitted to the county treasurer of the county in which the tax was assessed. The State Board of Hail Insurance shall then order the State Auditor to draw a warrant on the State Hail Insurance Fund for the balance of the adjustment which warrant shall be sent to the claimant; provided, however, that in no case shall the payment for loss exceed Twelve Dollars ($12.00) per acre for grain crops and Five Dollars ($5.00) per acre for hay crops; provided, further, that no claimant shall receive payment for any loss incurred where, said loss does not exceed five per cent (5%) of the total value of the crop insured. In any year the State Board of Hail Insurance may by resolution authorize its Chairman and Secretary to borrow as needed, from any person, bank or corporation such sum or sums of money as the State Board may deem necessary to carry on the business of

Warrant.

Board may borrow money to carry on department.

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the Department and for the purpose of paying all warrants as issued. For any moneys borrowed under the provisions of this Act, the State Board of Hail Insurance shall cause warrants to be drawn against the State Hail Insurance Fund and said warrants shall bear interest at not to exceed six per cent (6%) per annum and said warrants and the interest thereon shall be paid out of funds from the State Hail Insurance Department as they are collected from the various counties in the state. The State Board of Hail Insurance shall not at any time borrow a total sum greater than the amount of the levies as made for taxes for the current year, together with such delinquent taxes as remain unpaid on the books of the county treasurers. The State Board of Examiners is hereby empowered to invest surplus money belonging to any fund in warrants of the Hail Insurance Fund."

Board of Examiners may invest surplus money in Hail Insurance Fund.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 142.

An Act to Protect Highway Sign and Direction Boards; Making Such Sign and Direction Boards the Property of the County in Which Placed; Prohibiting the Defacing, Altering or Destruction of Such Signs and Boards; Prohibiting the Erecting of Advertising Signs Similar in Size and Appearance With Such Signs and Boards; Prohibiting the Erection of Advertising Signs Not of Value as Direction Boards at Road Intersections, or the Erection of Misleading Signs; Making the Violation of This Act a Misdemeanor and Providing a Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all signs and direction boards erected along the highways of this state, by organizations or associations formed for the purpose of promoting good roads for tourists travel, or both, shall become the property of the county in which placed, and it shall be unlawful for any person or persons to alter, deface, or destroy any such signs or direction boards; provided, however, that this section shall not be construed to prevent

Protection of sign boards.

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the organizations or associations erecting such signs or boards from altering or correcting the same when deemed necessary or advisable.

Unlawful to place misleading Signs.

Section 2. That it shall be unlawful for any person, or persons, corporations, or associations to place, or cause to be placed, any misleading sign or direction board along the highways of this state, or to place any advertising sign not of value as a direction board within one hundred fifty (150) feet of the intersection of a public highway with a railroad grade crossing without the written consent of the county commissioners of the county in which said direction or advertising board or boards is erected or to use as an advertising sign any sign similar or having the appearance of any sign or direction board provided for in Section One of this Act; and provided that this Act shall not effect direction or advertising boards erected inside of the limits of incorporated cities, towns or their environs. Provided, that county commissioners have the power to remove any or all signs on county highways at their discretion.

Advertising.

Misdemeanor.

Section 3. Any person, or persons, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail not less than ten (10) days nor more than sixty (60) days, or by both such fine and imprisonment.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 143.

An Act to Amend Sections 6 and 8 of Chapter 113 of the Session Laws of the Thirteenth Legislative Assembly of Montana, Entitled: "An Act to Create and Establish a Standard Size of Apple Box for the State of Montana; Providing for the Proper Labelling and Numbering of All Apple Boxes, and Providing a Penalty for the Violation of This Act", as Amended by Chapter 57 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana.

Amending Section 6, Chapter 113, Laws 1913 as amended by Chapter 57, Laws 1915.

Section 1. That Section 6 of Chapter 113 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, as amended by Chapter 57 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

"Standard" pack of apples defined.

"Section 6. That boxes packed with apples and marked "Standard" shall be deemed to be misbranded within the meaning of this Act:

First. If the size of the box does not conform to the requirements of Section 1 of this Act.

Second. If the markings of the box do not conform to the markings required by Section 3 of this Act.

Third. If the size and condition of the apples does not conform to the requirements of Section 4 of this Act.

Grades defined.

Fourth. That the grade of apples contained in the box or boxes shall be as follows, to-wit: "Extra Fancy", "Fancy", "C", and "Orchard Run Grade".

The extra Fancy Grade shall consist of sound, smooth, well formed apples, free from all insect pests, disease, blemishes, and physical injury, and all apples in this grade must show natural color and be characteristic of the variety; the color of apples in this grade shall be for solid red variety at least seventy per cent (70%) of good red color; for striped variety the apples must have at least forty-five per cent (45%) of red color with yellow background; for red cheek or blush variety the apples must have a distinctly colored cheek or blush, and in this grade no box shall contain more than two-hundred (200) apples.

The Fancy grade shall be composed only of apples having the same physical requirements as the Extra Fancy, and be free from disease, blemishes, injury or defects as the Extra Fancy, but may contain apples that are slightly limb rubbed or russeted. In solid red variety the Fancy grade must have at least thirty-five per cent (35%) of good natural color. Striped or partially red variety must have at least ten per cent (10%) of good red color; red cheek or blush variety must have correct physical qualities without requirements as to color, and no box must contain more than two-hundred twenty-five (225) apples.

The "C" grade shall be made up of merchantable apples not included in the Extra Fancy or Fancy grades

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and must be free from disease, insect pests, worms and physical injury, such as skin puncture, and must be free from rot. The requirements as to color shall be omitted in this grade, and no box shall contain more than two-hundred twenty-five (225) apples.

The Orchard Run grade shall consist and be made up of apples clean and free from disease and insect pests, ungraded as to size and color, and all requirements as to size and number shall be omitted in this grade; provided, however, that all apples of this grade must be not less than two (2) inches in diameter.

All other apples offered for sale within the State of Montana and not marked "Fancy", "Extra Fancy", "C Grade", or "Orchard Run Grade", shall be plainly stamped and marked "Culls".

Amending Section 8, Chapter 113, Laws 1913.

Section 2. That Section 8 of Chapter 113 of the Session Laws of the Thirteenth Legislative Assembly of Montana, be and the same is hereby amended to read as follows:

Misdemeanor.

"Section 8. That any person, firm, company or organization who shall knowingly pack, or cause to be packed, apples in boxes, or who shall knowingly sell or offer for sale such boxes, in violation of the provisions of this Act, shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than Ten Dollars ($10.00), nor more than Fifty Dollars ($50.00)".

Section 3. All acts, and parts of acts, in conflict herewith are hereby repealed.

Approved March 1, 1921.

CHAPTER 144.

An Act Regulating the Artificial Marking and Branding of Livestock, the Recording and Re-Recording of Such Marks and Brands, the Fees to Be Charged for Such Recording and Re-Recording, and Penalties for Failure to Comply with the Provisions of This Act; and Repealing Chapter 27 of the Laws of Montana, Twelfth Session, 1911, and Section 1791 of the Revised Codes of Montana, 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Use of unrecorded brands forbidden.

Section 1. It shall be unlawful for any person, firm or corporation to artificially brand or mark, or cause to be artificially branded or marked, any domestic animal

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or livestock, running at large, or upon the public domain, or open range, or which may run or stray at large or upon the public domain or open range, unless such artificial brand or mark has been recorded or re-recorded as provided by law, in the office of the General Recorder of Marks and Brands, in the name of such person, firm or corporation, within the period of ten (10) years immediately preceding such branding or marking.

Procedure for recording brands.

Section 2. Any person, firm or corporation desiring to have recorded an artificial mark or brand for use in distinguishing or identifying the ownership of any domestic animal or livestock, shall make application therefor to the Secretary of the Livestock Commission, who is in this Act designated the General Recorder of Marks and Brands. Such application must be in writing, and must contain the name, residence and postoffice address of the applicant, and the species of the animals on which the mark or brand is to be used. The said Recorder shall thereupon designate for the applicant's use some practical form of mark or brand, distinguishable with reasonable certainty from all other marks and brands recorded, or re-recorded, within the period of (10) years immediately preceding the time of filing the application, as in this Act provided, in the name of some person, firm or corporation other than the applicant, and he shall designate the position on the animals upon which the mark or brand shall be placed, and the species of animals on which the mark or brand may be used. The General Recorder of Marks and Brands shall keep a record in a book kept by him for that purpose, of the particular mark or brand, the position on the animal where the same is to be used, the species of animals on which the same is to be used, and the date of recording. Such record shall be a public record and shall be prima facie evidence of the facts therein recorded.

Record of brands.

Certain years designated for re-recording of brands.

Section 3. The year A. D. 1921, and each tenth year thereafter are hereby designated years for the re-recording of all artificial marks and brands used to distinguish and identify the ownership of domestic animals and livestock; and it shall be the duty of the General Recorder of Marks and Brands, upon the application of any person, firm or corporation, or the transferree of such person, firm or corporation, made in any year in this Act designated a year for re-recording such marks and brands, to re-record any mark or brand which at the time of such

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application stands of record in said Recorder's office in the name of such person, firm or corporation; provided, that on and after January 1st, 1922, no mark or brand which was neither originally recorded or re-recorded in the name of such person, firm or corporation, during the re-recording year last preceding the date when such application is filed, nor originally recorded in the name of such person, firm or corporation, or his or its predecessor or predecessors in interest therein between the time of such application and the re-recording year last preceding such application, shall be deemed of record in the office of such General Recorder of Marks and Brands.

Right to exclusive use of recorded brand.

Section 4. The person, firm or corporation in whose name any mark or brand is of record, as in this Act provided, is entitled to the right to the exclusive use of such mark or brand on the species of animal and in the position designated in such record, and a copy of such record certified by the General Recorder of Marks and Brands shall be prima facie evidence of such right; and such certificate shall likewise be prima facie evidence that the person, firm or corporation entitled to use such mark or brand is the owner of all animals on which the same appears in the position and on the species of animal stated in such certificate.

Notice of re-recording to be published.

Section 5. Between the first day of January and the first day of July in each year in this Act designated a re-recording year, the General Recorder of Marks and Brands shall cause to be published in at least one issue of at least one newspaper of general circulation in each county of this state, wherein such a newspaper is published, a notice to the effect that such year is a year for re-recording such marks and brands, and that no mark or brand shall continue of record unless re-recorded, and shall likewise mail to each person, firm and corporation in whose name any such mark or brand stands of record, a similar notice addressed to such person, firm or corporation at his or its post-office address as shown by the records in such Recorder's office.

Misdemeanor.

Section 6. Any person, firm or corporation violating any provision of this Act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding One Thousand Dollars ($1000.00), or imprisonment in the county jail for not to exceed one (1) year, or both such fine and imprisonment.

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Fees for recording and re-recording.

Section 7. The General Recorder of Marks and Brands shall charge and collect for recording any mark or brand, the sum of Two Dollars ($2.00) each, and for re-recording any mark or brand, the sum of twenty-five cents (25c) each, which fees shall be paid into the Livestock Commission Fund.

Repealing Chapter 27, Laws 1911 and Section 1791 R. C. 1907.

Section 8. Chapter 27 of the Laws of Montana of the Twelfth Session of 1911, and Section 1791 of the Revised Codes of Montana of 1907, and all acts, and parts of acts, in conflict herewith are hereby repealed, save that no action or proceeding pending, and no penalty incurred under any law hereby repealed, at the time of such repeal, shall be abated hereby, but the same may be prosecuted and enforced in all respects as though such law or laws had not been repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

CHAPTER 145.

An Act to Amend Section 7532 of the Revised Codes of Montana of 1907, Relating to Presentation of Claims Against the Estate of a Deceased Person Before Suit or Action Shall Be Commenced Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 7532 R. C. 1907.

Section 1. That Section 7532 be amended to read as follows: "Section 7532. Claims Must Be Presented Before Suit.

Claims against estates to be presented.

No holder of any claim against an estate shall maintain any action thereon, unless the claim is first presented to the executor or administrator, except in the following case: An action may be brought by any holder of a mortgage or lien to enforce the same against the property of the estate subject thereto where all recourse against other property of the estate is expressly waived in the complaint".

Exception.

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Pending suits not affected.

Section 3. This Act shall be in full force and effect from and after its passage and approval; provided, however, nothing herein contained shall be construed as effecting any cause of action or litigation now pending in any court in the State of Montana.

Approved March 1, 1921.

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CHAPTER 146.

An Act to Amend Sections 3, 5, 6, 7, 8, 9 and 10 of Chapter 5 Session Laws of the Extraordinary Session of the Sixteenth Legislative Assembly, Entitled 'An Act Providing for the Taxation of the Property of Freight Line Companies Doing Business in This State and Repealing Chapter 82 Acts of the Fifteenth Legislative Assembly of the State of Montana, Being an Act Entitled: "An Act Providing a Method for the Assessment and Collection of a License Tax on Private Car Companies Doing Business in This State." '

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Chap. 5, Ex. Session Laws 1919

Section 1. That Sections 3, 5, 6, 7, 8, 9 and 10 of Chapter 5 Session Laws Extraordinary Session of the Sixteenth Legislative Assembly be, and the same are hereby amended so as to read as follows:—

Freight line companies to file statement.

"Section 5. Every freight line company, as hereinbefore defined, shall annually, between the first and thirtieth day of April, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent, manager or chief officer of such association, joint-stock company, or corporation, file with the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly of this State a statement in such form as the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly may require and prescribe, showing the following:

Contents of statement.

1. The name of the person or persons, association, joint-stock company or corporation.

2. Under laws of what state or country organized or existing.

3. The location of its principal office.

4. The location of its principal office in this State, if any.

5. The name and post office address of the president, secretary, auditor, treasurer, superintendent, general manager or chief officer.

6. The total gross earnings received from all sources from the operation of such freight line company within this state for the year next preceding the first day of April.

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7. Such other facts and information as the commission may require in the form of return prescribed by it."

State Board of Equalization to determine gross earnings.

"Section 5. The State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall, on or before the first Monday of August in each year, proceed to ascertain and determine the total gross earnings of each freight line company from all sources from the operation of such freight line company within this State for the year preceding the first day of April, and the amount of such total gross earnings as so ascertained and determined by said State Board of Equalization, or Montana Tax Commission if such commisssion be created by this assembly shall be deemed and considered as the value for taxation of all cars operated, furnished or leased by such freight line company and having a situs for taxation in this state, and such State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall, immediately after having determined the valuation of such property for taxation, levy and assess against such property a tax amounting to five percentum (5%) of such valuation."

Amount of tax levy.

Procedure on failure to file statement.

"Section 6. In case of failure or refusal of any freight line company to make and file the statement required by section 3 of this act or to furnish the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly any information required by it, the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall inform itself as best it may on the matters necessary to be known in order to determine the gross earnings of such freight line company."

Statement of total gross earnings to be mailed to company.

"Section 7. The State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall, immediately upon the first Monday of August in each year, mail to each freight line company a statement showing the amount of the total gross earnings received from all sources from the operation of such freight line company within this state for such year, as ascertained and determined by the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly, together with the amount of the tax assessed and levied by the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly against the

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property of such freight line company, and such freight line company may, at any time before the third Monday in August, file with said State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly a protest in writing against such determination or assessment, or both, and the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly may, on the filing of such protest, or on its own motion, review and correct its findings in such manner as it may deem to be just and proper; provided, however, that no action of any kind shall be instituted or maintained by any freight line company to enjoin the collection of any tax, or to enjoin the sale of any property seized by the state treasurer on account of the non-payment of any such tax, or to recover any tax, or any portion thereof, paid under protest, unless such freight line company shall have filed with the commission a protest in writing in the manner and form and within the time provided in this section."

Protests.

Correction of findings.

Limitation on actions.

"Section 8. The State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall have power, by subpoena, to require the president, secretary, auditor, treasurer, superintendent, manager, chief officer, agent, receiver, or other officer or employe of a freight line company, to attend before the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly and to bring with him for inspection by the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly any books, papers or documents in his possession, or under his control, in any manner affecting, and to testify under oath concerning any matter relating to the organization or business of such freight line company. Any member of the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly is authorized and empowered to administer such Oath. Any person who shall fail, neglect or refuse to attend before the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly, when subpoenaed so to do, or who shall fail, neglect or refuse to bring with him and submit for inspection by the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly on any books, papers or documents in his

Powers of Board to require attendance of officers.

Powers to administer oaths

Penalty for disobedience.

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possession, or under his control, effecting the organization or business of such freight line company, or who shall refuse to testify, or refuse to answer any question which may be asked him concerning the organization or business of such freight line company, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00), and not more than One Thousand Dollars ($1000.00)."

Board to enter certain facts in books.

"Section 9. The State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall, immediately after the third Monday in August, or, if a protest has been filed by any freight line company, immediately after the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly has finally acted thereon, enter in a book provided for that purpose, the amount of the total gross earnings of each and every freight line company for the year next preceding the first day of April, the valuation of the cars of such freight line company for taxation in this state, and the amount of the tax assessed and levied against such cars, as ascertained, determined, fixed, assessed and levied by such State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly under the provisions of this act, and the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly shall, immediately thereafter certify the same to the state treasurer as the value for taxation of all cars operated, furnished or leased by such freight line company in this state, and the amount of the tax levied and assessed against the same."

Contents of books.

Certification to State Treasurer.

State Treasurer to collect taxes.

"Section 10. It shall be the duty of the state treasurer, not later than five o'clock p. m. of the thirtieth day of November, to collect from each freight line company the amount of the tax levied and assessed against the cars of each such freight line company, as certified to the State Treasurer by the State Board of Equalization, or Montana Tax Commission if such commission be created by this assembly, which tax shall be in lieu of all other taxes on said cars of any freight line company paying the same; provided, however, that the payment of such tax shall not exempt such freight line company, if a corporation, from the payment of any corporation license

Proviso.

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tax required to be paid by corporations doing business in this state."

Exception from repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed, provided, however, that any and all taxes levied and assessed under the provisions of Chapter 5 Session Laws Extraordinary Session Sixteenth Legislative Assembly, and which have not been paid and have become delinquent, shall be collected under and all of the provisions of such chapter shall apply to the collection thereof in the same manner as though none of the provisions of such chapter had been amended by this act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 147.

An Act Relating to Special Improvements in Districts in Thickly Populated Localities Outside of the Limits of Incorporated Towns and Cities, and to Empower the Board of County Commissioners to Create Special Improvement Districts in Such Localities for the Purpose of Constructing Sanitary and Storm Sewers and Installing Lights, Waterworks Plants, Sidewalks, and Such Other Special Improvements as May Be Petitioned for by Sixty Per Cent of the Freeholders Affected by the Same, and Providing for the Levy and Collection of Special Assessments to Pay for the Same, and Adequately to Maintain Same and to Extend the Payment of Installments Over Any Period Not Exceeding Ten Years, and to Provide for the Issuance of Special Improvement Warrants or Bonds in Such Special Improvement District and Repealing Chapter 123, Laws 1915, Chapter 156, Laws 1917, and Chapter 67, Laws 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of special improvement districts in thickly populated localities.

Section 1. Whenever the public interest or convenience may require, and upon the petition of sixty per cent (60%) of the freeholders affected thereby, the Board of County Commissioners is hereby authorized and empowered to order and create special improvement districts in thickly populated localities outside of the limits

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of incorporated towns and cities for the purpose of building, constructing and maintaining sanitary and storm sewers, light systems, waterworks plants, sidewalks and such other special improvements as may be petitioned for.

Resolution of Intention.

Section 2. Before creating any special improvement district for the purpose of making any of the improvements, acquiring any private property for any purpose authorized by this Act, the Board of County Commissioners shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvements which are to be made, designate the name of the engineer who is to have charge of the work, and an approximate estimate of the cost thereof. Upon having passed such a resolution the Board of County Commissioners must give notice of the passage of such resolution of intention, which notice must be published for ten (10) consecutive days in a daily newspaper or in two (2) issues of a weekly newspaper published nearest to the place where such improvement district is to be created, and shall also cause to be posted within the boundaries of such special improvement district, a copy of such notice in three (3) public places, and a copy of such notice shall be mailed to every person, firm or corporation, or the agent of such person, firm or corporation owning property within the proposed district, at his last known place of residence upon the same day such notice is first published or posted.

Content.

Notice of passage.

Publication.

Contents of notice.

Such notice must describe the general character of the improvement, or improvements, so proposed to be made, state the estimated cost thereof, and designate the time when, and the place where, the Board of County Commissioners will hear and pass upon all protests that may be made against the making or maintenance of such improvements, or the creation of such district, and the said notice shall refer to the resolution on file in the office of the County Clerk for the description of the boundaries.

Extended district when and how created.

Section 3. Whenever a contemplated work, or improvement, in the opinion of the Board of County Commissioners is of more than local or ordinary public benefit, or whenever according to the estimates furnished by the County Surveyor or an Engineer approved by the Board of County Commissioners and designated in the petition, the total estimated cost and expenses thereof would ex-

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ceed one-half of the total assessed value of the lots and lands assessed, if assessed upon the lots and lands fronting upon such proposed work or improvement according to the valuation fixed by the last assessment roll, whereon it was assessed for taxes, the Board of County Commissioners may make the expense of such work chargeable upon the extended district, and which may include other lots and lands not fronting on the improvement, and which the said Board of County Commissioners shall in its resolution of intention declare to be the district benefited by said work or improvements, and to be assessed to pay the cost and expense thereof.

Protests when, how, and by whom made.

Section 4. At any time within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extending or creation of the district to be assessed, or both. Such protest must be in writing and be delivered to the County Clerk, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the Board of County Commissioners, after the expiration of the time within which said protest may be so made, the Board of County Commissioners shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive. Provided, however, that when the protest is against the proposed work and the cost thereof is to be assessed upon the property fronting thereon, and the Board of County Commissioners finds that such protest is made by the owners of more than fifty per cent of the area fronting on the proposed work or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within the extended district, and the Board of County Commissioners finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for such improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said County Clerk, except in case the improvements are the construction of sanitary sewers, when the said protests may be over-ruled by a unanimous vote of the Board of County Commissioners.

Hearing of protests.

Sufficiency of protests, how determined.

In determining whether or not sufficient protests have been filed in the proposed district to prevent further proceedings therein, property owned by the county shall

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be considered the same as other property in the district. The Board of County Commissioners may adjourn said hearing from time to time.

Jurisdiction, when acquired.

Section 5. When no protests have been delivered to the County Clerk within fifteen days after the date of the first publication of the notice of the passing of the resolution of intention, or when a protest shall have been found by said Board of County Commissioners to be insufficient, or shall have been over-ruled, or when a protest against the extending of the proposed district shall have been heard and denied, immediately thereupon the Board of County Commissioners shall be deemed to have acquired jurisdiction to order improvements, but before ordering any of the said proposed improvements, the Board of County Commissioners shall pass a resolution creating the said special improvement district in accordance with the resolution of intention theretofore, introduced and passed by the Board of County Commissioners.

Reference to resolution of intention.

Section 6. In all resolutions, notices, orders and determinations subsequent to the resolution of intention and notice of improvements it shall be sufficient to briefly describe the work or the assessment district or both and to refer to the resolution of intention for further particulars.

Notice inviting proposals.

Section 7. A notice inviting proposals and referring to specifications on file with the engineer selected as hereinbefore provided, shall be published at least twice in a daily, semi-weekly or weekly newspaper published and circulated nearest to the boundaries of the said proposed improvement district, and which paper shall be designated by the Board of County Commissioners for that purpose, and a copy of said notice shall be posted in at least three (3) public places within the boundaries of the proposed district.

Publication and posting.

Bids may call for different materials.

The Board of County Commissioners may call for bids for proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind or type of materials to be used in making any or all of said improvements after the bids or proposals therefor shall have been opened, examined and declared.

Time for opening bids.

The time fixed for the opening of the bids shall not be less than fifteen (15) days from the time of the final publication of said notice. All proposals or bids offered

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Bids how made.

shall be accompanied by a check payable to the Board of County Commissioners, certified by a responsible bank, for an amount which shall not be less than ten per cent (10%) of the aggregate of said proposal. Such proposals or bids shall be delivered to the County Clerk and the Board of County Commissioners shall, in open session, publicly open and examine and declare the same. Provided, however, that no proposal or bid shall be considered unless accompanied by said check.

Opening bids.

Rejection of bids.

The Board of County Commissioners may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the Board of County Commissioners, and shall reject all proposals, other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for such work or improvement, to the lowest responsible bidder at the prices named in his bid.

Awarding contract.

Readvertising for bids.

If the bids are rejected or no bids are received the Board of County Commissioners may within six (6) months thereafter re-advertise for proposals or bids for the performance of the work as in the first instance, without further proceedings and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the checks accompanying the bids so rejected, but the check accompanying said accepted proposal or bid shall be held by the County Clerk until the contract for doing said work as hereinafter provided, has been entered into, either by the said lowest bidder, or by the owners of over fifty per cent (50%) of frontage whereupon said certified check shall be returned to said bidder, but if said bidder fails, neglects or refuses to enter into the contract to perform said work and improvements as hereinafter provided, then the certified check acompanying his bid, in the amount herein mentioned shall be declared to be forfeited to the said Board of County Commissioners, and shall be collected by it, and paid into the General Fund of the County.

Checks, how disposed of.

Forfeiture of checks.

Completion of contract on default of bidder.

Section 8. If the contractor who may have taken any contract does not complete same within the time limited in the contract, or within such further time as may be given him, the engineer selected as hereinbefore provided shall report such delinquency to the Board of County Commissioners which may relet the unfinished portion of said work, after pursuing the formalities prescribed

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herein for the letting of the whole in the first instance, or the Board of County Commissioners shall have the right, in its option, to complete the contract and deduct any cost in excess of the contract price thereof from any money, bonds or warrants, due such contractor, and in the event there is no money, bonds or warrants due such contractor from which to deduct such cost, then and in such event the Board of County Commissioners shall have the right to sue such contractor and recover from him such costs.

Suit against contractor.

Section 9. All contractors and contracting owners included shall at the time of executing any contract for any work, execute a bond to the satisfaction and approval of the Board of County Commissioners with two or more sureties, payable to said county in a sum not less than twenty-five per cent (25%) of the amount of the contract, conditioned for the faithful performance of the contracts, indemnifying the county from any detriment, damage or loss growing out of said work, and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond, over and above all statutory exemptions. Provided, however, that nothing herein contained shall be considered as to prevent or prohibit the Board of County Commissioners from requiring or accepting in any case a bond furnished by a Surety Company authorized to transact business in the State of Montana.

Bond of contractor.

Conditions

Proviso.

Section 10. At any time within sixty (60) days from the date of the awarding of a contract, any owner or other person having any interest in any lot, tract or plot of land liable to assessment, who claims that any of the previous acts or proceedings relating to said improvements are irregular, defective, erroneous or faulty, or that his property will be damaged by the making of any of the improvements in the manner contemplated, may file with the County Clerk a written notice specifying in what respect said acts or proceedings are irregular, defective, erroneous or faulty, or in what manner and to what extent his property will be damaged by the making of said improvements. Said notice shall state that it is made in pursuance of this section. All objections in any act or proceeding or in relation to the making of said improvements must be made in writing and in the manner and at the time aforesaid, and all claims for damages therefor shall be waived by such property owner, in case

Property owners may give notice of defective proceedings.

Objections, how made.

Waiver of claims for damages.

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no written objection is filed by him, provided; that notice of the passage of the resolution of intention has been actually published and the notice of improvements posted as provided in this Act.

Methods of assessments.

Section 11. To defray the cost of making any of the improvements provided for in this Act, the Board of County Commissioners shall adopt the following method of assessment. The Board of County Commissioners shall assess the entire cost of such improvements against the entire district and each lot or parcel of land assessed in such district to be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places, provided, however, that the Board of County Commissioners in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for, between the corner lots and inside lots of any block, the Board of County Commissioners may in the resolution creating any improvement district, provide that whenever any of the improvements herein provided for shall be along any side street or abutting upon the side of any corner lot or block, that the amount of the assessment against the property in said district to defray the cost of such improvements shall be so assessed that each square foot of the land embraced within any such corner lot shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear. Whenever any portion of the surface of a street is kept or used by any person, firm or corporation for Railroad or for Street Railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof, shall be paid by the person, firm or corporation owning such Railroad and where double tracks of Railroads are laid, such person, firm or corporation shall pay the costs of making such improvement or improvements between such tracks and between all switches and spurs.

Area assessment.

Apportionment between corner and inside lots.

Railroads to pay costs, when.

Property of United States to be excepted.

Section 12. Whenever any lot, piece or parcel of land belonging to the United States or mandatory of the government shall front upon the proposed work or improve-

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ment, or to be included within the district declared by the Board of County Commissioners in its Resolution of Intention to be a district to be assessed to pay the cost and expenses thereof, the said Board of County Commissioners shall in the Resolution of intention declare that said lots, pieces or parcels of land or any of them, shall be omitted from the assessment thereto to be made to cover the cost and expenses of said work or improvement and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the County from its General Fund.

County to pay for same.

Section 13. To defray the cost of making improvements in any special improvement district, the Board of County Commisioners shall by resolution, levy and assess a tax upon all property in the District created for such purpose, by using for a basis for such assessment the method provided for by this Act. Such Resolution shall contain a description of each lot or parcel of land, with the name of the owner, if known, and the amount of each partial payment, when made, and the day when the same shall become delinquent. The payment of the assessment to defray the cost of constructing any improvements in special improvement districts may be spread over a term of not to exceed ten (10) years, payment to be made in equal annual installments.

Levy of tax.

Contents of Resolution.

Length of installments.

Section 14. Such resolution, signed by the Chairman of the Board of County Commissioners shall be kept on file in the office of the County Clerk, and a notice signed by the County Clerk, stating that the resolution levying a special assessment to defray the cost of making such improvements is on file in the office of the County Clerk, subject to inspection, shall be published at least one publication in a newspaper published nearest to where the special improvement is to be made. Such notice shall state the time and place in which objections to the final adoption of such resolution will be heard by the Board of County Commissioners, and the time for such hearing shall be not less than five (5) days after the publication of such notice. At the time so fixed, the Board of County Commissioners shall meet and hear all such objections and for that purpose may adjourn from day to day and may by resolution modify such assessment in whole or in part. A copy of such resolution, certified by the County Clerk, must be delivered to the County Treasurer two (2) days after its passage.

Publication of notice that resolution is on file.

Contents of notice.

Hearing of objections.

Copy of resolution delivered to County Treasurer

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Award of damages to be added to cost of improvements.

Section 15. Whenever the owner or any one interested in any property, situate in the special improvement district, after having filed with the County Clerk a written notice, claiming that his property has been damaged, shall be awarded or recover any amount on account of damages sustained to said property by the reason of the construction of any improvement in said special improvement district, before the resolution levying the assessment to defray the cost of making such improvements in said district has been passed and adopted by the Board of County Commissioners, the amount so ordered as recovered shall be added to and constitute a part of making such improvements, but if the resolution levying the assessment to defray the cost and expenses of making said improvements has been passed and adopted by the Board of County Commissioners, it shall pass and adopt a supplemental resolution levying an additional assessment against the property in said district for the purpose of paying the amount so awarded of covering the said supplemental resolution, and shall be made in the same manner and prepared and certified the same as the original resolution, levying the assessment to defray the cost of making such improvements.

Preliminary costs to be included in expense of improvements.

Section 16. The cost and expense connected with and incidental to the formation of any Special Improvement District, including the cost of preparation of plans, specifications, maps, plats, engineering, superintendence and inspection, and preparation of assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such Special Improvement Districts, and it shall be the duty of the engineer selected as hereinbefore provided to keep an account of all costs and expenses incurred in his office in connection with every Special Improvement District, and certify the same to the County Clerk, whose duty it shall be to prepare all necessary schedules and resolution levying the taxes and assessments in such Special Improvement District.

Duty of engineer.

Certification to county clerk.

Lien of assessment.

Section 17. Any special assessment made and levied to defray the cost and expenses of any of the work enumerated in this Act, together with any percentages imposed for delinquency, and for cost of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, and from and after the date of the passage of the resolution levying

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such assessment which lien can only be extinguished by payment of such assessment with all penalties, costs and interest.

Mistakes not to avoid assessments.

Section 18. When under any of the provisions of this Act, special taxes and assessments are assessed against any lot or parcel of land as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake, relating to the ownership thereof, shall affect such assessment or render it void or voidable.

Duty of Board of County Commissioners to preserve improvements.

Section 19. Whenever any sanitary or storm sewers, lights or light systems, waterworks plants or sidewalks, or any other special improvements petitioned for, have been made, built, constructed, erected or accomplished as in this Act provided, it is hereby made the duty of the Board of County Commissioners, under whose jurisdiction the district was created, adequately and suitably to maintain and preserve said improvements and fully to keep the same in proper repair and operation, by contract, for such period of time or for the execution of a particular work or works, and in such way or manner as the Board shall deem suitable and proper, provided, that the Board shall not let any maintenance contract for a period to exceed three years. The whole cost of maintaining, preserving and repairing said improvements in any improvement district shall be paid by assessing the entire district in the method provided by Section 3 of this Act. It shall be the duty of said Board to estimate as near as practicable the cost of maintaining, preserving or repairing the improvements in each district for each year beginning January first; and before the first Monday in September of each year the Board shall pass and finally adopt a resolution levying and assessing all the property within the district with an amount equal to the whole cost of maintaining, preserving or repairing said improvements within the district, and the same shall be proportioned as provided in Section 3 hereof. Said resolution levying assessments to defray the cost of maintenance, preservation or repairs of such improvements shall be prepared and certified to in the manner as near as may be to a resolution levying assessments for making, constructing and installing the improvements in said Special Improvement Districts, and the money collected therefor, shall be paid into a fund known as "Special Improvement District No..... Maintenance Fund," the number of which shall correspond with the number of

Maintenance contract.

Estimate of cost of maintenance.

Adoption of resolution.

Special improvement district maintenance fund.

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the Special Improvement District in which the improvements so maintained are situate; and such fund shall be used to defray the expense of maintenance, preservation or repair of said improvements and for no other purpose.

Lien of assessments.

Any special assessment levied and made for any of the purposes in this section mentioned, together with all costs and penalties, shall constitute a lien upon and against the property upon which said assessment is made and levied from and after the date of the final passage and adoption of the resolution levying the same, which lien can only be extinguished by payment of such assessment with all penalties, costs and interest.

Change in boundaries of district.

The Board shall have the power not more than once in a year of changing, by resolution, the boundaries of any maintenance district. In all maintenance, preservation or repair work, the provisions of this Act as to contracts, bids and bidders for construction work shall apply as near as practicable and the same shall be a guide for the proper execution of maintenance contracts.

Special Improvement district bonds or warrants.

Section 20. All costs and expenses incurred in the construction or maintenance of any improvement specified in this Act, in any improvement district, shall be paid for by special improvement district bonds, or warrants. Such bonds or warrants shall be drawn in substantially the following form.

Form of bond or warrant.

District No.....
United States of America
State of Montana.

Warrant or (Bond No.....) Dollars $.....

Interest at the rate of 6% per annum payable annually,

Special Improvement District Coupon Warrant or Bonds.

..... Montana.

Issued by the County of ..... Montana.

The County Treasurer of ..... County, Montana, will pay to ....., or bearer, the sum of ..... Dollars as authorized by resolution No..... as passed on the ..... day of ..... 19....., creating or maintaining Special Improvement District No..... for the construction (or maintenance) of the improvements and work performed as authorized in said resolution to be done in said district, and all laws, resolutions and ordinances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at

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the office of the County Treasurer of ..... County, Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of the registration of this warrant (or bond) as expressed herein, until the date called for the redemption by the County Treasurer. The interest on this warrant (or bond) is payable annually on the first day of ..... of each year, unless paid previous thereto and, as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Chairman of the Board of County Commissioners and the County Clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement districts, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the county at any time there are funds to the credit of said special improvement district fund (construction and maintenance) for the redemption thereof, and in the manner provided for the redemption of the same.

It is hereby certified and recited, that all things required to be done precedent to the issuance of this warrant (or bond) have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the resolution and ordinances of the County of....., Montana, relating to the issuance thereof.

Dated at ....., Montana, this ..... day of ..... 19..... County of....., Montana.

(Seal)

By..... Chairman of the Board of County Commissioners.

(Seal)

.....County Clerk.

Registered at the office of the County Treasurer of .....County, Montana, this .....day of ..... 19.....

.....

County Treasurer.

And the same shall be drawn against the special improvement district fund created for the district, that is, either the construction or maintenance fund as the case may be, and shall bear interest at the rate of six per cent (6%) per annum from the date of registration until

Interest rate.

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called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the Board of County Commissioners prescribe another date. Such warrants (or bonds) shall be signed by the Chairman of the Board of County Commissioners and the County Clerk and shall bear the corporate seal of the county. They shall be registered in the office of the County Clerk and the County Treasurer, and if interest coupons be attached thereto, they shall also be so registered and shall bear the signature of the Chairman of the Board of County Commissioners and the County Clerk; provided, however, that said coupons may bear the facsimile signatures of said officers in the discretion of the Board of County Commissioners. Said bonds shall be in denominations of One Hundred ($100) Dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period of not to exceed ten (10) years. Such warrants (or bonds) shall be redeemed by the County Treasurer when there are funds in the special improvement district fund against which said warrants (or bonds) are issued available therefor; provided, that the County Treasurer shall first pay out of the proper special improvement district fund, annually, the interest on all outstanding warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining in the proper fund shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in order of their registration; provided, further, that whenever there are any funds in any special improvement district fund, after paying the interest on such warrants (or bonds) drawn against said fund, the County Treasurer shall call in for payment outstanding warrants (or bonds) which together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the County Treasurer who shall give notice by publication once in a newspaper published in the city, or at the option of the County Treasurer, by written notice to the holder or holders of such warrants (or bonds) if their address be known, of the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten (10) days after the date of publication or of service of notice, and on which date so fixed, interest shall cease. When it is provided by the resolution creating or maintaining the district

Registry.

Denominations.

Redemption.

County treasurer to call warrants, when and how.

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that the work be paid in warrants (or bonds) the Board of County Commissioners shall by resolution fix the denominations of such warrants (or bonds) which may be One Hundred ($100) Dollars, or fractions or multiples thereof, the rate of interest, which shall not exceed six per cent (6%) per annum, and provide for the payment or redemption of such warrants (or bonds) at a time certain, which time of payment must not exceed ten (10) years from and after the date of issuance.

Denomination of bonds or warrants.

Section 21. Whether provided in the call for proposals, or not, all contracts let under the provisions of this Act shall be payable in bonds or warrants issued under the provisions hereof, and the Board of County Commissioners may provide by contract with the person, persons or corporation doing the work, or making the improvement, or maintaining, preserving, or repairing the same, for the payment of which such warrants or bonds are issued, to deliver the said warrants or bonds in installments as the work progresses, or upon the entire completion thereof; provided, however, that no warrants or bonds must be delivered to such contractor or contractors in excess of the amount of the work actually done at the time of the delivery; nor shall the total amount issued be in excess of the total cost and expense of the improvements, and no warrants or bond shall be delivered or received in payment of a less sum than its face value. And when it becomes necessary to pay for private property taken for the opening, widening or extending of any street, avenue or alley, or to pay any amount awarded or covered on account of damages to any property caused by the making of any improvements, in money, in cases where the persons whose property is so taken or damaged, refuse to receive pay in warrants or bonds, then the Board of County Commissioners shall have the power, under such regulations as it may prescribe, to sell such bonds, or warrants for not less than par, and devote the moneys derived therefrom to the payment of the damages assessed or agreed upon for such property or the damages thereto.

Delivery of bonds or warrants to contractor.

Commissioners may sell bonds, when.

Section 22. It shall be the duty of the County Treasurer in accordance with the provisions of the Revised Codes of Montana where any resolution of assessment, either for construction or maintenance, has been duly certified by the County Clerk to collect such assessment in the same manner and at the same time as taxes for general and municipal purposes are collected by him.

County treasurer to collect assessments.

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Commissioners may make corrective orders and assessments.

Section 23. Whenever, by reason of any alleged nonconformity to any law, or by reason of any omission or irregularity, any special tax or assessment is either invalid or its validity is questioned, the Board of County Commissioners may make all necessary orders and may take all necessary steps to correct the same, and to re-assess and re-levy the same, including the ordering of work, with the same force and effect as it made at the time provided by law, or resolution relating thereto; and may re-assess and re-levy the same with the same force and effect as an original levy; whenever any apportionment or assessment is made and any property is assessed too little or too much, the same may be corrected and re-assessed for such additional amount as may be proper, or the assessment may be reduced even to the extent of refunding the tax collected. Any special tax upon re-assessment or re-levy, shall, so far as it is practicable, be levied and collected as the same would have been if the first levy had been enforced; and any provision of any law specifying a time when, or order in which acts shall be done in a proceeding which may result in a special tax shall be taken to be subject to the qualifications of this Act. Any and every rule and regulation of any Board of County Commissioners passed in substantial conformity with this Section is hereby legalized.

Payment of tax under protest.

Section 24. When any tax levied and assessed under any of the provisions of this Act is deemed unlawful by the party whose property is thus taxed, or from whom such tax is demanded, such person may pay such tax or any part thereof deemed unlawful under protest, to the County Treasurer, and thereupon such party so paying, or his legal representative, may bring an action in any court of competent jurisdiction against the officer to whom such tax was paid, or against the County in whose behalf the same was collected, to recover such tax or any portion thereof, so paid, under protest; provided, however, that any action instituted to recover such tax paid under protest must be commenced within sixty (60) days after the date of payment thereof. The tax so paid under protest shall be held by the County Treasurer, until the determination of any action brought for the recovery thereof.

Action to recover tax.

Limitation.

Mistake not to vitiate lien.

Section 25. Any mistake in the description of property

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or the name of the owner shall not vitiate any liens created by this Act, unless it is impossible to identify the property from the description.

"Owner" defined.

Section 26. Subdivision 1. The person owning the fee, or the person to whom, on the day the action is commenced, appears the legal title to the lot and lands, by deed duly recorded in the County Recorder's office in each county, or the person in possession of lands, lots or portions of lots, or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for the purpose of this Act, according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons, shall be deemed the possession of such owner.

Definition of terms.

Subdivision 2. The words "work", "improved" and "improvement" as used in this Act, shall include all work or the securing of property mentioned in this Act, and also the construction, reconstruction, maintenance and repairs, of all or any portion of said work.

"Incidental Expenses" defined.

Subdivision 3. The term "incidental expenses" as used in this Act, shall include the compensation of the engineer selected as hereinbefore provided for work done by him; also the cost of printing and advertising, as provided in this Act; also the expenses of making the assessment for any work authorized by this Act. All demands for incidental expenses in this Subdivision shall be presented to the County Clerk by itemized bill, duly verified by oath of the demandant.

Demands how presented.

Publication of notices.

Subdivision 4. The notices, resolutions, orders or other matter required to be published by the provisions of this Act, shall be published in a daily newspaper or in a semi-weekly newspaper, or weekly newspaper, to be designated by the Board of County Commissioners, as often as the same is issued during the period specified for said publication, and no other statute shall govern or be applicable to publications herein provided for; provided, however, that in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such county, then such notices, resolutions, orders, or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same

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in a daily, semi-weekly or weekly newspaper, in three of the most public places in each voting precinct, except herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk or the newspaper, or of the poster of the notice. No publication of notice other than that provided for in this Act shall be necessary to give validity to any of the proceedings provided therein. The word "Twice" as used in this Act, referring to the number of times, notices, resolutions or other matter shall be published, shall be held to mean publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or subsequent week.

Definition of terms.

Subdivision 5. The word "municipality" and the word "city" as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

Definition of terms.

Subdivision 6. The word "paved" or "re-paved" as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadam, or of bituminous rock or asphalt, or of wood, brick or other material, whether patented or not, which the Board of County Commissioners by rule or resolution shall adopt.

Definition of terms.

Subdivision 7. The word "street" as used in this Act, shall be deemed and is hereby declared to, include avenues, highways, lanes, alleys, crossings or intersections, courts and places, which have been dedicated and accepted according to the law or in common and undisputed use by the public for a period of not less than five (5) years next preceding, and the term "main street", means such actually opened street or streets, as bound a block; and the words "blocks", whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Definition of terms.

Subdivision 8. The term "Engineer" designated in the petition as used in this Act, shall be understood and so construed as to mean the person, firm or corporation whose name is designated and approved by the Board of County Commissioners as the engineer in the original petition asking for the improvement and may be the county surveyor.

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Definition of terms.

Subdivision 9. The term "Board of County Commissioners" is hereby declared to include any body or board which under the law is the legislative department of the government of the County.

Definition of terms.

Subdivision 10. The terms "clerk", "County Clerk" as used in this Act are hereby declared to include any person or officer who shall be clerk of the said Board of County Commissioners.

Definition of terms.

Subdivision 11. The term "quarter block" as used in this Act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street halfway from such intersection to the next main street, or when no main street intervenes all the way to the boundary line of any city.

Definition of terms.

Subdivision 12. The term "County Treasurer," as used in this Act, shall be held to mean and include any person, who, under whatever name or title, is the custodian of the funds of the County.

Definition of terms.

Subdivision 13. The term "street intersection" wherever used in this Act, shall be held to mean that parcel of land at the point of juncture or crossing of intersecting streets which lies between lines drawn from corner to corner of all lot lines immediately cornering at such juncture.

Jurisdiction not divested by postponement of hearing.

Section 27. Whenever in proceedings hereunder, a time and place for hearing by the Board of County Commissioners is fixed, and, from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power or jurisdiction of the Board of County Commissioners in the premises shall not be thereby divested or lost, but the Board of County Commissioners may proceed anew to fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five (5) days before the date of the hearing, and thereupon the Board of County Commissioners shall have power to act in as in the first instance.

Duty of County Clerk to post notices, when.

Section 28. Whenever any resolution, order, notice or determination is required to be published or posted, and the duty of posting or procuring the publication or posting the same is not specifically enjoined upon any officer in the County, it shall be the duty of the County Clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be

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invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting or procuring the publication or posting of any resolution, notice, order or determination hereinunder when the same is actually published or posted for the time herein required.

Repeal of prior acts.

Section 29. Chapter 123, Laws of the Fourteenth Legislative Assembly of the State of Montana, 1915, Chapter 156, Laws of the Fifteenth Legislative Assembly of the State of Montana, 1917, Chapter 67, Laws of the Sixteenth Legislative Assembly of the State of Montana, 1919, and all acts and parts of acts in conflict with this Act or with the objects hereby sought to be obtained, are hereby expressly repealed.

Section 30. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 148.

An Act to Amend Section 49 of Chapter 146 of the Montana Session Laws of 1909 as Amended by Section 16 of Chapter 145 Montana Session Laws of 1915, Providing for the Levy and Adjustment of Taxes in Irrigation Districts and Changing the Extent of the Lien Created Thereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 49, Chapter 146, Laws 1909, as amended by Chapter 145, Laws 1915.

Section 1. That Section 49 of Chapter 146 of the Montana Session Laws of 1909, as amended by Section 16 of Chapter 145 Montana Session Laws 1915, is hereby amended so as to read as follows:

Commissioners to ascertain administrative expense.

"Section 49. On or before the second Monday in July each year the board of commissioners of each irrigation district in this state, shall ascertain the total amount required to be raised in that year for the general administrative expenses of the district, including costs of maintenance and repairs and interest on and the principal of the outstanding bonded or other indebtedness of the district, including any indebtedness incurred under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States, and shall levy against each forty acre tract, or fractional forty acre tract of land in the district (or where lands shall be owned and

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held in twenty acre tracts or less, then against each such tract), that portion of the said amount so to be raised which the irrigable area of such tract bears to the total area of all of the irrigable lands in the district. But the tax thus determined by the irrigable area of each such tract shall become a lien upon the entire tract of land of which such irrigable area forms a part, and attaches thereto as of the first Monday of March of that year. In order that such irrigable area may be determined, the commissioners shall cause to be made as a part of the survey provided for in Section 9 of this Act, a careful topographical survey and map of all of the irrigable lands in the district.

Lien of tax.

Topographical survey.

In the event that the ownership of any tract of land in the district shall be divided after any tax or assessment against the same has been levied, each or either of the owners of such divisions shall be entitled to have such tax or assessment equitably apportioned to and against such divisions, so that each such owner shall be enabled to pay such tax or assessment against his portion of such tract, and have the same discharged from the lien thereof.

Apportionment of tax on division of land.

No assessment or taxes shall be levied against any forty acre tract or fractional forty-acre-tract containing no irrigable land at all; nor shall any lien created after the order of determination herein provided for attach to any such tract, nor shall the owner or owners of any such tract or tracts have any vote or votes in any proceeding or election under the provisions of said Chapter 146 or any amendment thereof, after the making of such order.

No levy to be made against certain tracts.

Upon such determination by the Board, the latter shall have power to refund any taxes paid on an acreage in excess of that so fixed and to issue warrants therefor.

The board of commissioners may, within sixty (60) days, petition the district court for confirmation of their acts in determining the irrigable areas, as aforesaid, and in ordering any refund. The majority in number and acreage of the holders of title or evidence of title to lands in said district, ascertained as in this Act provided, may, likewise, within sixty (60) days, petition the district court for review of the actions of the commissioners. But, one of such proceedings shall, if prosecuted to determination, be exclusive of the other.

Petition for confirmation of acts of board.

Review of acts of commissioners.

Upon such proceeding, the court may order any assessment of taxes on any land or lands to be reduced or raised, according to the irrigable area as found by the

Power of court.

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court, or taxes previously paid upon any area shown to be excessive, to be refunded.

Procedural provisions applicable.

The provisions of Section 23 of this Act regarding the procedure, as well as the right and time to appeal, shall apply to any proceeding instituted in pursuance of the provisions of this section.

Proviso.

Provided, however, that no such proceedings shall be a bar to a proceeding, by any member or members of the District on his or their own behalf, under Section 24 of this Act, nor to any proceeding for exclusion under Section 23 of this Act; provided, further, that nothing in this Act shall be deemed to affect or impair the lien of any bonds issued prior to the passage of this Act. Not more than Four Dollars per acre shall be levied in any one year on account of administrative expenses including the cost of maintenance and repairs but this provision shall not invalidate any warrant lawfully issued or to be isssued; this limitation shall not apply to any district supplying water by means of any system other than a gravity system.

Limit on administrative expense.

Exception.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved March 5, 1921.

CHAPTER 149.

An Act to Provide for the Acceptance of the Benefits of an Act Passed by the Senate and House of Representatives of the United States of America in Congress Assembled, to Provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or Otherwise; to Provide for Compliance with All the Requirements of Such Act; to Provide for the Appointment of a Custodian of All Moneys Received by the State from Appropriations Made by the Congress of the United States for the Purpose Stated and for the Establishment of a Vocational Rehabilitation Fund; to Provide for the Appointment of a State Board to Co-operate with the Federal Board for Vocational Education in Carrying Out the Provisions of Said Act, and Prescribe Its Powers and Duties; to Provide for a Plan of Co-operation Between Such State Board and the State In-

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dustrial Accident Board; to Provide for the Acceptance of Gifts and Donations and the Creation of a Special Fund, and to Make Appropriations to Provide for the Vocational Rehabilitation of Persons Disabled in Industry or Otherwise.

Be it enacted by the Legislative Assembly of the State of Montana:

Acceptance of Act of Congress.

Section 1. The State of Montana does hereby, through its legislative authority, accept the provisions and benefits of the Act of Congress, entitled: "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved June 2, 1920, and will observe and comply with all the requirements of such Act."

State Treasurer custodian of funds.

Section 2. That State Treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry, or otherwise, and is authorized to receive gifts and donations and provide for the proper custody of the same said moneys, together with all the money herein appropriated, and all other moneys otherwise provided by law for the said purpose, shall constitute a fund to be called the Vocational Rehabilitation Fund; and the State Treasurer shall make disbursement therefrom upon the order of the State Board for Vocational Education.

Vocational Rehabilitation Fund.

Designation of State Board.

Section 3. The Board heretofore designated or created as the State Board for Vocational Education to co-operate with the Federal Board for Vocational Education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State Board for the purpose of co-operating with the said Federal Board in carrying out the provisions and the purposes of said Federal Act, providing for the vocational rehabilitation of persons disabled in industry or otherwise.

Duty of State Board.

Section 4. It shall be the duty of the State Board empowered to co-operate as aforesaid, and the State Industrial Accident Board to formulate a plan of co-operation in accordance with the provisons of this Act and said Act of Congress, such plan to become effective when approved by the Governor of the State.

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Definition of disabled persons.

Section 5. "Persons disabled in industry or otherwise," shall, for the purposes of this Act, mean any person, who by reason of a physical defect or infirmity, whether congenital or acquired by accident, disease, or injury, is or may be expected to be totally or partially incapacitated for renumerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after completing a vocational rehabilitation course. To be eligible to receive vocational rehabilitation from the State Board, such persons must have been domiciled within the State for one year or more, or reside in the State at the time of sustaining disability. No portion of any appropriations made for the purposes of this Act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this Act as shall be determined by the State Board.

Appropriations how used.

Duty of State Board to co-operate with Federal Board.

Section 6. The State Board heretofore created as the State Board for Vocational Education is hereby authorized and directed to co-operate with the Federal Board for Vocational Education in the administration of said Act of Congress; to administer any legislation pursuant thereto enacted by this State and direct the disbursement and administer the use of all funds provided by the Federal Government and this State for the vocational rehabilitation of persons disabled in industry or otherwise; to appoint such assistants as may be necessary to administer the provisions of this Act and said Act of Congress in this State and fix the compensation of such assistants; to make studies and investigations relating to the vocational rehabilitation of persons disabled in industry or otherwise and to formulate plans for the vocational rehabilitation of such persons; to make surveys with the co-operation of the State Industrial Accident Board, to ascertain the names and condition of persons disabled in industry or otherwise within the the State; to provide that all such persons shall be properly visited by representatives of the State Board with the view of determining whether or not vocational rehabilitation is feasible; to acquaint all such persons susceptible of vocational rehabilitation with the rehabilitation facilities afforded by the State and to counsel them regarding the selection of a suitable vocation; to register all such persons electing to take advantage of the benefits of rehabilitation offered and to prescribe

Assistants.

Duties of Board

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and provide such training as may be necessary to insure their vocational rehabilitation; to maintain a record of all such persons, together with the measures taken for their rehabilitation; to utilize in the rehabilitation of persons disabled in industry or otherwise such existing educational facilities of the State as may be advisable and practicable, including public and private educational institutions, public or private establishments, plants, factories, etc., and the services of persons specially qualified for the instruction of physically handicapped persons; to promote and aid in the establishment of schools and classes for the vocational rehabilitation of persons disabled in industry or otherwise; to supervise the training of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation; to provide for the placement in suitable gainful occupations of persons completing courses of training provided by the Board, including supervision for a reasonable time after placement; to utilize the facilities of such state agencies, both public and private, as may be practicable in securing employment for such persons and any such public agency is hereby authorized and directed to co-operate with the State Board for Vocational Education for the purpose stated: to co-operate with any agency of the Federal Government or of the State or of any county or other municipal authority within the state or any other agency, public or private, in carrying out the purposes of this Act; to make such rules and regulations as may be necessary for the administration of this Act and said Act of Congress within this state and report annually to the Governor the conditions of vocational rehabilitation within the state, such report to designate the educational institutions, establishments, plants, factories, etc., in which training is being given, and to contain a detailed statement of the expenditures of the State and Federal funds in the rehabilitation of persons disabled in industry or otherwise.

Authority of Board to receive gifts.

Section 7. The State Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the said State Board are proper and consistent with the

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Report of gifts.

provisions of this Act. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the Governor of the State by said State Board.

Appropriations.

Section 8. There shall be appropriated a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the state for the purpose set forth in said Federal Act, and there is hereby appropriated for such purposes out of any moneys in the Treasury not otherwise appropriated for each of the fiscal years ending 1922 and 1923 respectively, the sum of Ten Thousand Dollars ($10,000.00).

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 150.

An Act to Amend Section 7 of Chapter 87 of the Session Laws of the Fifteenth Legislative Assembly Relating to the Method for the Assessment and Collection of a License Tax on Express Companies Doing Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7 of Chapter 87 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Gross receipts to be entered.

"Section 7. The State Board of Equalization shall, on the first Monday of August annually enter in a book provided for that purpose the amount of gross receipts of express companies doing business in this state for the year next preceding the first day of April, as determined by the provisions of this Act. It shall be the duty of the State Treasurer annually to collect from each such express company doing business in this state, a sum in the nature of a license tax to be computed by taking four per centum (4%) of the amount fixed by the State Board of Equalization as the gross receipts of such express company for business done within the state for the year next preceding the first day of April as determined and certified by the State Board of Equalization;

Collection of license tax.

Amount.

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provided, however, that nothing contained in this Act shall exempt or relieve any express company from the assessment and taxation of its tangible property in the manner authorized and provided by law. All licenses collected under the provisions of this Act shall be credited to the general fund of the state."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 151.

An Act to Amend Section 3116 of the Revised Codes of the State of Montana as Amended by Chapter 7 of the Laws of the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana, Relating to the Salaries of County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3116 R. C. 1907.

Section 1. That Section 3116 of the Revised Codes of the State of Montana, as amended by Chapter 7 of the Laws of the Extraordinary Session of the Sixteenth Legislative Assembly be, and the same is, hereby amended to read as follows:

Salaries of County officers.

Section 3116. The county officers are entitled to receive an annual compensation or salary for services according to the following classification, to-wit:

FIRST CLASS.

Treasurer, Three Thousand Five Hundred Dollars ($3,500.00),

Sheriff, Four Thousand Five Hundred Dollars ($4,500.00),

Assessor, Three Thousand Five Hundred Dollars ($3,500.00),

County Clerk, Three Thousand Five Hundred Dollars ($3,500.00),

County Auditor, Three Thousand Dollars ($3,000.00),

Clerk of the District Court, Three Thousand Five Hundred Dollars ($3,500.00),

County Attorney, Three Thousand Five Hundred Dollars ($3,500.00).

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SECOND CLASS.

Treasurer, Three Thousand Dollars ($3,000.00),
Sheriff, Three Thousand Five Hundred Dollars ($3,500.00),
Assessor, Three Thousand Dollars ($3,000.00),
County Clerk, Three Thousand Dollars ($3,000.00),
County Auditor, Two Thousand Five Hundred Dollars ($2,500.00),
Clerk of the District Court, Three Thousand Dollars ($3,000.00),
County Attorney, Three Thousand Dollars ($3,000.00).

THIRD CLASS.

Treasurer, Three Thousand Dollars ($3,000.00),
Sheriff, Three Thousand Five Hundred Dollars ($3,500.00),
Assessor, Two Thousand Seven Hundred Fifty Dollars ($2,750.00),
Auditor, Two Thousand Two Hundred Fifty Dollars ($2,250.00),
County Clerk, Three Thousand Dollars ($3,000.00),
Clerk of the District Court, Three Thousand Dollars ($3,000.00),
County Attorney, Three Thousand Dollars ($3,000.00).

FOURTH CLASS.

Treasurer, Two Thousand Five Hundred Dollars ($2,500.00),
Sheriff, Two Thousand Seven Hundred Fifty Dollars ($2,750.00),
Assessor, Twenty-five Hundred Dollars ($2,500.00),
Auditor, Two Thousand Two Hundred Fifty Dollars, ($2,250.00),
County Clerk, Two Thousand Five Hundred Dollars ($2,500.00),
Clerk of the District Court, Two Thousand Five Hundred Dollars ($2,500.00),
County Attorney, Two Thousand Five Hundred Dollars ($2,500.00).

FIFTH CLASS.

Treasurer, Two Thousand Five Hundred Dollars ($2,500.00),
Sheriff, Two Thousand Seven Hundred Fifty Dollars ($2,750.00),
Assessor, Two Thousand Two Hundred Fifty Dollars ($2,250.00),

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Auditor, One Thousand Seven Hundred Fifty Dollars ($1,750.00),

County Clerk, Two Thousand Five Hundred Dollars ($2,500.00),

Clerk of the District Court, Two Thousand Five Hundred Dollars ($2,500.00),

County Attorney, Two Thousand Dollars ($2,000.00).

SIXTH CLASS.

Treasurer, Two Thousand Dollars ($2,000.00),

Sheriff, Two Thousand, Two Hundred Fifty Dollars ($2,250.00),

Assessor, One Thousand Eight Hundred Dollars ($1,800.00),

County Clerk, Two Thousand Dollars ($2,000.00),

Clerk of the District Court, One Thousand Eight Hundred Dollars ($1,800.00),

County Attorney, One Thousand Eight Hundred Dollars ($1,800.00).

SEVENTH CLASS.

Treasurer, One Thousand Eight Hundred Dollars ($1,800.00),

Sheriff, Two Thousand Dollars ($2,000.00),

Assessor, Fifteen Hundred Dollars ($1,500.00),

County Clerk, One Thousand Eight Hundred Dollars ($1,800.00),

Clerk of the District Court, One Thousand Eight Hundred Dollars ($1,800.00),

County Attorney, One Thousand Five Hundred Dollars ($1,500.00).

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 152.

An Act to Provide for the Creation, Organization and Operation of Agricultural Corporations, or Co-operative Agricultural Districts, to Promote the Improvement of the Production, Processing, Storing, Warehousing and Marketing of Any or All Agricultural or Farm Products; to Define Their Purposes and Powers as to Creation, Operation, Existence, Financing, In-

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cluding Bonding, Consolidation or Joint Operation, and Dissolution.

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I.

Incorporation of agricultural corporations.

Section 1. At any time hereafter, any ten (10) or more holders of title, or evidence of title, to agricultural, horticultural or farm lands in this state, of an aggregate value of not less than Seventy-five Thousand Dollars ($75,000.00), who may desire to form a Company, or District, for the purpose of promoting or improving the production, processing, storing, warehousing, marketing, of any or all agricultural, horticultural or farm or dairying products of the respective petitioners therefor, may incorporate themselves into an agricultural corporation, or co-operative agricultural district.

Contents of petition.

Section 2. Such persons must prepare, sign, acknowledge and file a petition with the Clerk of the District Court of the county in which the lands, or the greater portion of the lands, included in the petition are situate; such petition to state:

1. The name of the corporation, or district, proposed to be formed.

2. The purpose for which it is formed.

3. The place where its principal business is to be transacted.

4. The number of its Directors, or Trustees, which shall not be less than three (3), and the names and residences of those who are selected for the first three (3) months, and until their successors are elected and qualified; provided, such Directors, or Trustees, shall at all times be resident freeholders in the State of Montana.

5. The names and addresses of the petitioners applying for such incorporation, or district, with a description of the lands which each owns and proposed to be submitted to said corporation or district, and the character of the same and their production; also a consent of the owners to submit the lands to the provisions hereof.

6. The assessed valuation of the land.

7. The term for which it is to exist, not exceeding forty (40) years.

8. If shares, acres, production, or other evidences of membership, are to be used, the basis for issuing the same, in either value, acreage or production, shall be stated.

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9. Such petition shall be accompanied by a map, giving location of the lands sought to be included in such corporation, or district; nothing herein to be construed as requiring such lands to be contiguous.

Bond.

A bond in the sum of One Thousand Dollars ($1,000.00) to be approved by the Clerk, conditioned for the payment of all costs incurred in the creation of such corporation, or district, shall be filed with the petition.

Time for hearing on petition.

Section 3. Upon the filing of such petition, the Clerk of the District Court wherein the same shall be filed, shall set the same for hearing before said Court at a time not less than ten or more than twenty days from the date of filing such petition, and shall cause notice of such setting to be mailed or delivered to each of the persons purporting to be signers thereon, not less than ten days before such hearing, and post it in three public places in said county.

Notice of hearing.

Hearing of petition.

Section 4. At the time specified in the notice of hearing, a District Judge of the State of Montana shall, in open Court, hear said petition and the evidence offered in support thereof, and determine whether or not the requirements of this Act have been complied with. If, upon such hearing, or adjournments thereof, as the Court may order, the Court does find that the petition substantially complies with the requirements of this Act, and is true in all particulars, the Court shall so find, and, in open Court, shall enter upon its minutes and upon said petition, or attached thereto, its findings and order, to the effect that said petition complies with the requirements of this Act and is true and correct in all particulars, as therein set forth, and its statements are supported by proper proof, and that such corporation, or district, is entitled to be created and become a body corporate. A duly certified copy of which petition, with the Court's order, or any endorsements thereon, shall be filed with the Secretary of State of the State of Montana, who shall, upon such filing, issue a certificate of incorporation under the Seal of the State of Montana; duly certified copies of the petition, with the Court's order, or endorsements, thereon shall also be filed with the County Clerks and Recorders of each county in which said corporation, or district, shall thereafter own or hold property or have property holding memberships. Upon the issuance of such certificate, every corporation, or district, organized hereunder is hereby declared to be a quasi-public cor-

Entry of order of court.

Certificate of incorporation.

Filing of certificate.

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poration for the promotion of public welfare, with all of the powers and authority of bodies corporate under the corporation laws of the State of Montana.

Calling of first meeting.

Section 5. Within thirty (30) days from and after the issuance of a certificate of incorporation, the persons named and designated in the petition to be Directors, or Trustees, for the first three (3) months, shall cause a written notice to be mailed or delivered to each and every signer of the petition of a proposed first meeting of said corporation, or district, for the purpose of adopting a common seal, adopting by-laws, and providing for the issuance of stock, or other evidences of membership of the members thereof, and for the transaction of such other business as may properly come before a meeting of the stockholders or members of a corporation, or district, formed for the purposes named in the petition.

Other land owners may become members, how.

Section 6. Whenever any corporation, or district, has been formed under the provisions hereof, it is authorized and directed to permit other holders of title, or evidence of title, of similar or like agricultural, horticultural or farm lands within this state to become members thereof, upon such holder of title, or evidence of title, in manner and form as may be required by the laws of Montana and the rules of such corporation, or district, or its by-laws, applying for membership therein to the officers thereof by written application, duly acknowledged, containing a full, true and correct description of the lands owned by him and proposed to be contained in said corporation, or district; a statement of his deisre to become a member thereof, and his consent to submit his lands to the provisions hereof and to the administration of said corporation, or district, and its by-laws, and to its objects and purposes; and accompanying said application a map of the lands so owned by him and proposed to be submitted to said corporation, or district, its objects and purposes. If said application shall be in proper form, and the applicant be the holder of title, or evidence of title, to the lands described, and the uses of said land as represented in said petition be similar to the uses of lands already included in said corporation, or district, a full, true and correct copy of his application shall be made and filed in the office of principal place of business of the corporation, or district, and his original application shall be filed and recorded in the office of the County Clerk and Recorder of the county in which the

Application for membership.

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lands, or the greater portion thereof, are situate, and he shall thereupon be entitled to evidence of temporary membership, in shares or units of membership, in similar manner as original members thereof, and the said lands described in the petition shall thereafter be construed to be a part of said corporation, or district, to all intents and purposes as though originally incorporated therein. Upon the consent of a majority of the members or stockholders given in the annual meeting or at a special meeting called as provided by law for that purpose, such new member or stockholder shall be entitled to full membership in such corporation, or district.

Consent to membership.

Section 7. From and after the date of the inclusion of any land or property as a member thereof in any corporation, or district, organized under the provisions hereof, all mortgage or bonded indebtedness thereafter created by such corporation, or district, shall be deemed a first lien upon such membership lands, to the extent of not to exceed five per cent of the assessed valuation thereof if the same shall be grazing or agricultural, and not to exceed ten per cent of the assessed valuation thereof if the same shall be horticultural or vegetable producing lands. The recording of the copy of the Articles of Incorporation, or petition to become a member of such corporation, or district, shall be notice to all subsequent lien claimants that such lands are subject to a first lien of not to exceed the amount specified herein; provided, nothing herein shall be construed as placing a limit upon the indebtedness that may be made a lien against any of the corporate or property assets of the corporation, or district, as distinguished from membership lands individually owned, and included therein for the purposes hereof.

Lien of mortgage indebtedness on lands.

Section 8. Any corporation, or district, organized under the provisions hereof shall have the power to create sub-divisions, or sub-districts, of said corporation, or district, by geographical or other location, as shall best subserve the purposes of the corporation, or district, or the welfare of the membership of the corporation, or district, residing in the proposed sub-division, or sub-district; provided, any property owned or acquired by the sub-division, or sub-district, thus created shall at all times be the property of the corporation, or district, and its members and membership lands subject to the objects,

Power to create sub-districts.

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purposes and liabilities of the corporation, or district, as herein provided.

Members and membership lands.

Section 9. The members of a corporation, or district, organized hereunder shall be called "Members"; the lands included by such members shall be called "Membership Lands".

ARTICLE II.

Adoption of by-laws.

Section 1. Every corporation, or district, formed under this Title, must, by majority action, at its organization meeting after incorporation, adopt a code of by-laws for its government, not inconsistent with the Constitution and laws of this state.

Contents of by-laws.

Section 2. The by-laws, where no other provision is specially made, may provide for:

1. The time, place and manner of calling and conducting meetings of stockholders, or members:

2. The number of stockholders, or members, or quantity of units of membership in acres, lands or production, as shall constitute a quorum;

3. The mode of voting at stockholders' meetings, and the method of voting by proxy; provided, that the same shall not be inconsistent with any of the provisions hereof or the laws of this state.

4. The number of Directors of the corporation, or district, and the time of the annual election of Directors and the mode and manner of giving notice thereof; the officers, the manner of their election, their duties and tenure;

5. The Directors having the power to sell, lease, mortgage, hypothecate, or otherwise dispose of the corporate assets of the corporation, or district, or any part thereof, as distinguished from membership lands.

6. The by-laws may also provide for the manner of creating sub-divisions, or sub-districts, by geographical location, or otherwise, for local groups or sub-divisions of the corporation, or district, as may promote the objects of the corporation, or district, generally or the welfare of the membership in the particular sub-division, or sub-district; and may provide for local boards of Directors, or executive committees, representing the Board of Directors, to manage the affairs of the sub-division, or sub-district, thus created, subject to the direction and approval of the board of directors of the corporation, or district.

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Recording and amending by-laws.

Section 3. The by-laws shall be recorded, and may be amended as provided in Section 3832 of the Montana Revised Codes of 1907.

Number and powers of directors.

Section 4. The corporate, or district, powers, business and property of all corporations, or districts, formed under the provisions hereof must be exercised, conducted and controlled by a board, which shall never be less than three (3) members; otherwise, the number of members of the board may be increased or diminished at any time by proper amendment of the by-laws with reference thereto. The Directors shall have the power to sell, lease, mortgage, hypothecate, or otherwise dispose of the corporate assets of the corporation, or district, or any part thereof, as distinguished from membership lands.

Eligibility of directors.

Section 5. No person shall be eligible to be a Director of any corporation, or district, organized under the provisions hereof, who is not himself a member of the corporation, or district, and a resident agricultural freeholder in the State of Montana. A quorum of the board of directors shall at all times be necessary for the transaction of business; provided, if the by-laws or board of directors shall provide for an executive committee, a quorum of such committee shall have authority to carry on business. Whenever a vacancy occurs in the office of a Director, unless the by-laws shall otherwise provide, such vacancy may be filed by appointment by the board of directors.

Quorum.

Executive committee.

Vacancies.

Election of directors.

Section 6. Directors must be elected at the annual meeting, and may hold office for the term and in the manner as specified in the by-laws.

Elections how conducted.

Section 7. All elections must be by ballot, and every stockholder, or member, or holder of a unit of membership in acres, production, or other evidence of membership, shall have the right to vote in person or by a proxy in conformity with the provisions hereof, the Constitution and laws of this state and the by-laws of the corporation, or district.

Voting.

Section 8. At the organization meeting or any meeting of the stockholders or members of a corporation, or district, organized under the provisions hereof, each member and each unit of membership in acres, production or other evidence of membership, shall be entitled to vote in person or by proxy. Corporate action at such meeting shall be determined by a majority of the membership and a majority of the acres, produc-

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tion, or units of membership, as may have been adopted. Any group of members of a sub-division, or sub-district, of the corporation, or district, as may be defined and designated by the Board of Directors, or by-laws, shall, at a sub-division, or sub-district, meeting called for the purpose, elect a delegate or proxy to represent all of the membership in the sub-division, or sub-district, at any such meeting. Where any sub-division, or sub-district, fails to elect such delegate, any individual member may give proxy, provided no person shall be entitled to act as proxy who is not himself a member of the corporation, or district, and a resident, agricultural or horticultural freeholder in the State of Montana for not less than three years immediately preceding such meeting.

Powers of sub-divisions.

ARTICLE III.

Procedure for incurring debts.

Section 1. The Board of Directors, or other officers of a corporation, or district, organized under the provisions hereof, as such shall have no power to incur any debt or liability which will be a lien upon its membership lands, except in accordance with the terms and provisions hereof. When at a meeting of the Directors of any corporation, or district, organized hereunder, of which meeting each director shall have received at least five (5) days' written or telegraphic prior notice, it shall be determined to the interests of said corporation, or district, for the promotion of its objects and business to create an indebtedness of said corporation, or district, secured by a first lien or mortgage upon all of the membership lands to the extent allowed under the provisions hereof, such meeting shall pass and spread at length upon their minutes a resolution specifying the purposes for which such debt is to be created, the amount thereof, the rate of interest to be paid thereon, and the manner and form of evidencing the same, and any coupons for interest thereon, and authorizing, directing and empowering the executive officers of the corporation, or district, to, upon the approval of the District Court, as hereinafter provided for, make, execute and deliver bonds, notes, coupons or other evidences of the debt, and mortgages, deeds of trust, or other instruments of mortgage and hypothecation for security of the same.

Resolution contents and passage.

Petition to court for power to create debt.

Section 2. Upon the passage of such resolution the executive officers of the corporation, or district, shall prepare and file their verified petition in the District

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Court of the county of principal place of business of such corporation, or district, setting forth the fact of the passage of the resolution by the Board of Directors, the reason for the creation of such debt, and such other facts as may be necessary to fully advise the Court with reference to such corporation, or district, its aims and objects and the purposes for which said debt is to be created and the money expended, and praying for the approval of the Court for the creation of such debt and the mortgage and hypothecation of its membership lands as security therefor.

Court to set petition for hearing.

Section 3. Upon presentation of such petition to the Court, the Court shall set the same for hearing at a time not less than twenty (20) nor more than forty (40) days from the date of filing thereof, and direct personal notice to be given to such members as are within the State of Montana, and by mail to such members without the state; and by publication in some newspaper of general circulation in each of the counties in which membership lands to be affected are situated, for not less than two (2) weeks prior to the hearing of said petition; which notice shall state the name of the corporation, or district, its principal place of business, and the fact that it has applied to a District Court, (naming and describing the same), for leave to create a bonded indebtedness of the amount prayed for, the maximum rate of interest proposed to be paid thereon, and time of maturity. On the day set for the hearing of the petition, the Court shall proceed to hear the same, and any objections, that may be filed to the granting hereof. If upon said hearing the Court shall find, (1) that notice has been given as required by this law and the orders of the Court, (2) that the matters and things set forth in said petition are true, (3) that the objects and purposes for which the money is sought are within the legitimate objects and purposes for said corporation or district, for the carrying on of its business, and that the board of directors have determined that such fund is proper or required for the carrying on of its business, and (4) that the provisions of this law have been complied with, the Court shall sign and order filed, entered and docketed its judgment and decree, including its findings on said hearing, describing the lands and authorizing, ordering and directing the executive officers of such corporation, or district, to make, execute and deliver notes, bonds, coupons, or other

Publication of notice.

Hearing.

Court to enter order.

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evidences of indebtedness of the total amount prayed for in the petition, and the maximum interest to be permitted, and make, execute, sign and deliver mortgage or deed of trust or instrument of hypothecation covering the real property of the corporation, or district, and all of the membership lands in said corporation, or district; said judgment to specify that for the payment of said debt and the interest thereon, as authorized, recourse shall first be had to the real property of said corporation, or district, separate and apart from the membership lands of the individual members thereof, and in the event of the failure of the corporate real property to fully satisfy, pay and discharge said debt and its interest, as the same may be due, to permit and allow recourse to be had in the form of first lien and right upon all membership lands in said corporation, or district, to the extent authorized by the provisions hereof; provided, if a majority, as provided for in Section 8 of Article III hereof, shall file written objection to the granting of the petition, the Court shall dismiss the proceeding, and no similar proceeding shall be filed within six (6) months thereafter.

Dismissal on filing of objections.

Executive officers to execute mortgage when.

Section 4. Upon the signing, entering and docketing of a judgment authorizing the loan, the executive officers of such corporation, or district, shall be authorized and empowered to make, execute and provide for the sale and delivery of notes, bonds, coupons, or other evidences of indebtedness of said corporation, or district, and make, execute and deliver mortgages and deeds of trust, or instruments of hypothecation, as required, as security for such debts and the interest thereon. Any such mortgage or deed of trust which may be executed and delivered in accordance herewith shall set forth at length the order and decree of the District Court authorizing the same, and when recorded in the office of the County Clerk and Recorder of any county in which membership lands included in the membership of such corporation, or district, or any of the assets of said corporation, or district, are situated, said mortgage shall be and become a first lien upon all the lands of said corporation, or district, and upon all of the membership lands of the individual members as may be included in said corporation, or district, situated in such county, as of the date when such lands became members of such corporation, or district, to the extent of the limitation of indebtedness thereon herein provided for.

Contents of deed or mortgage.

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Foreclosure of mortgage, procedure.

Section 5. In the event there shall be default in either principal or interest or the terms and conditions of any bonds, notes or mortgages, or deeds of trust, made, executed and delivered pursuant to the authority hereof, the holder or holders of such mortgage, or the trustee named in the deed of trust, shall be entitled to proceed to foreclose the same in the manner provided for in the Code of Civil Procedure, and the application for foreclosure shall be proceeded with as a foreclosure proceeding. If the Court in such foreclosure shall find for the plaintiff and order foreclosure of the mortgage, or deed of trust, as prayed for, such Court is hereby empowered in its discretion to include in its judgment and decree of foreclosure an order and direction to the County Clerk and Recorder of each of the counties in which lands included in said mortgage are situated, ordering and directing the County Clerks and Recorders of such counties to levy and include as part of the taxes levied against the membership lands included therein, the proportion that such lands shall be liable for such indebtedness and costs so found to be due, which tax thus created shall be collected in whole or in part over a period of not to exceed three years, as the Court shall in its order direct.

Procedure for withdrawal of lands from district.

Section 6. Any person holding title, or evidence of title, to membership lands included in a corporation, or district, organized under the provisions hereof, subsequently desiring to withdraw his lands from such corporation, or district, may do so upon presenting to the Board of Directors his verified petition stating that he is the holder of title, or evidence of title, to membership lands included therein, particularly describing the same, with a map or plat thereof; that he is desirous of withdrawing from such corporation, or district, and tendering to said Board the pro rata amount of liability of his lands for all of the incorporation's lawfully created and existing lien liabilities, together with his pro-rata amount of interest due and to become due upon any such liabilities to the maturity of the same. If the matters and things set forth in said petition shall be true, and said petitioner shall deposit with the Board his pro rata amount of the liabilities as before herein set out, or furnish a receipt for such amount from the mortgage or lien holders, holding liens against such lands, the proper officers of the corporation, or district, shall make, execute, acknowledge and deliver a release of said lands

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from incorporation, or district, and its liabilities. Upon presentation of such release to the mortgage or lien holder claiming a right against said membership lands, they shall furnish their release thereof, which said release or releases may be filed and recorded in any county or counties in which said lands may be situated. The Board of Directors and corporate assets of the corporation shall be responsible to any mortage or lien holder and the withdrawee for the payments of such funds on their debt or liability.

Procedure on refusal of directors to act upon petition.

Section 7. In the event the Board of Directors shall refuse or fail for a period of thirty days to act upon such petition of withdrawal, the petitioner shall be entitled to apply to the District Court in the county wherein said lands, or the larger proportion of the same, shall be situated, for an order of withdrawal, and upon his payment to the Clerk of the Court for the use and benefit of the holders of mortgages or other liens against said corporation or its membership lands, of the pro rata amount of his lands liabilities therefor, he shall be entitled to an order of withdrawal and release of his lands from said Court. The filing with the Clerk and Recorder of a duly certified copy of such order permitting withdrawal, shall operate to release the membership lands described therein from any liens of the corporation under the provisions hereof.

Existing co-operative associations may reorganize under this act, how.

Section 8. Any co-operative, or other corporation, association, society, or group of individuals now or heretofore associated together for purposes and objects similar to those contemplated by the provisions hereof, desiring to come within the provisions hereof, may by resolution of their Board of Directors, direct written notice to be given to each stockholder or member of their corporation or group of individuals, of the proposal to organize a corporation, or district, under the provisions hereof, and request ten or more of their members, qualified as herein provided for, to prepare and file in such county as they shall select to make their principal place of business, a petition in accordance with the provisions of Section 2 of Article 1 hereof. If thereafter not less than two-thirds of the stockholders, or members, as such, of such co-operative, or other corporation, association, society, or group of individuals, shall either file with the corporation, or district, their written consent to such reorganization, or petition to become members thereof,

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in accordance with the provisions hereof, or both, the Board of Directors, or other governing board of such existing co-operative, or other corporation, association, society, or group of individuals, shall be authorized to, through proper officers, transfer to such new corporation, or district, when organized, their corporate assets, real, personal and mixed. Any stockholder or member of any co-operative or other corporation or society re-organized under the provisions hereof, consenting to such re-organization but not including lands therein, shall be entitled to a certificate or shares of stock or other evidence of membership in such re-organized corporation, or district, of the par value equal to the value of his certificate or shares of stock or membership right in the previous existing co-operative or other corporation or society's assets at the time of such re-organization, and shall be to this extent a stockholder or member; provided, any stockholder or member of the corporation or group of individuals that are re-organizing shall not be considered as increasing the stock of the new corporation, so as to require consent of a majority of its members or stockholders to their admission.

Dissenting stockholder may have value of his property appraised.

Section 9. In the event any stockholder or member of such existing co-operative, or other corporation, association, society, or group of individuals, shall decline to consent to such transfer, or refuse to become a member of such new organization, he must, within thirty days from and after receiving written notice of the transfer of said assets to the new corporation, or district, serve upon the officers of the newly created corporation, or district, and file in the District Court of the county of its principal place of business, his petition, praying for the net value of his equity as a stockholder, or member, in said co-operative, or other corporation, association, society, or group of individuals, in its assets, determined and valued as of the date when the said property was transferred by the Directors, or executive officers, to the new corporation, or district. Upon a failure to, within the time and in the manner specified herein, file such claim for appraisal and settlement, it shall be forever barred.

Effect of errors or omissions.

Section 10. Mere error or omission in the description of any lands, or in the names of any of the holders of title, or evidence of title, to lands, shall not operate to render invalid any proceedings hereunder or to deprive

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the district court of the subject-matter, unless such error or omission shall cause substantial injury.

Action of District Court final except for right of appeal.

Section 11. Whenever under the provisions hereof any application is permitted to be made to the District Court, or appeal allowed thereto, the action of the District Court, upon such application, or appeal, shall be final, unless appealed from in accordance with the Code of Civil Procedure within sixty days from and after the date of the entry of the order or judgment.

General corporation laws applicable.

Section 12. Except as otherwise herein specifically provided, corporations, or districts, organized under the provisions hereof shall be governed and controlled by the laws relative to corporations generally.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 153.

An Act Relating to Irrigation Districts; Providing a Comprehensive Method and System for the Creation, Organization, Government, Management, Control, Operation, Administration and Dissolution of Irrigation Districts under the Supervision of the Public Service Commission of Montana; Defining and Describing the Powers, Duties and Authority of the Public Service Commission of Montana in Connection with the Creation, Organization, Government, Management, Control, Operation and the Powers, Duties and Rights of Such Irrigation Districts and Their Officers; Authorizing and Empowering Such Irrigation Districts to Construct, Purchase, or Otherwise Acquire Works, Water, Property and Rights Necessary for the Irrigation of the Lands Within and Comprising the Districts; Authorizing the Incurring of Indebtedness in the Connection with the Purchase, Construction or Acquiring of Such Works, Water, Property and Rights, and the Maintenance, Management, Control and Operation Thereof, and the Assessing and Levying of Special Assessments and Taxes on the Lands Within and Comprising Such Districts for the Purpose of Raising Funds to Pay Such Indebtedness; Providing That the Provisions of This

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Act May Extend and Apply to Irrigation Districts Heretofore Organized and Existing or in Process of Organization Under Existing Laws; and to Repeal Chapter 14, Acts of the Extraordinary Session, Sixteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Jurisdiction of Public Service Commission.

Section 1. The duties of the Public Service Commission of Montana are hereby enlarged to include the organization and management of Irrigation Districts hereafter created in the State of Montana, as hereinafter provided. The word "Commission" as used in the following sections shall be understood to refer to and mean the Public Service Commission of Montana.

Duties of commission concerning Irrigation Districts.

Section 2. It shall be the duty of the Commission to encourage, aid and assist in the organization and management of irrigation districts in the State of Montana, wherever feasible; to employ under the direction of its chief engineer the necessary engineers for the purpose of making examinations and necessary surveys as to available water supplies and feasible areas to be benefitted by irrigation, and to do all things necessary for the full development of the irrigation of lands within the State of Montana. The Commission shall cause to be made by the Chief engineer the necessary preliminary examinations for the organization of irrigation districts, in accordance with the terms of this Act. It shall approve all contracts for the original construction of all works or for the acquisition of works, constructed or partly constructed for irrigation districts under its supervision; provided, however, that the provisions of this Act shall not apply to irrigation districts co-operating with the Reclamation Service of the United States government. It shall assist with the issuance and sale of all bonds hereafter issued by irrigation districts under its supervision, and supervise the letting of contracts and the disbursements of moneys by such districts in the manner hereafter provided. It shall have the power to appropriate water and water rights for any irrigation district and may exercise the power of eminent domain for the purpose of acquiring any property or rights, except water rights for the district. It shall exercise the supervisory and advisory powers hereinafter specified, and co-operate with the boards of directors of irrigation districts for

Preliminary examination.

Other powers and duties.

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the successful irrigation of the lands within such district.

Commission to encourage irrigation

Section 3. It shall be the duty of the Commission to encourage and assist in the irrigation of the arid lands in the State of Montana, and for this purpose it shall obtain all possible data pertaining to water resources and to the irrigability of arid lands in the state and shall co-operate with the boards of county commissioners, county agricultural agents, or any other agency for the purpose of collecting data and encouraging the organization of irrigation districts. The Commission is authorized to aid in every manner possible districts which are organized, or are organizing, for the purpose of seeking financial assistance from the United States government to the end that such assistance may be obtained with the least possible delay and in the amounts and under the conditions assuring the successful irrigation of the lands of the district.

Organization of irrigation districts—petition.

Section 4. For the purpose of establishing and organizing an irrigation district hereunder, a petition in duplicate, signed by a majority in number of the holders of title, or evidence of title to lands susceptible of irrigation from the same general source, and by the same general system of works, such holders of title or evidence of title also representing a majority in acreage of said lands shall be filed with the clerk of the district court of the county in which the lands of the proposed district, or the greater portion thereof, are situate, accompanied by written instructions that one of the copies of the petition shall be forwarded to the secretary of the Public Service Commission of Montana; provided that if there are three or more counties embraced in the proposed district, and no one county embraces fifty per cent (50%) or more of said lands, then and in that event shall be filed in the county which embraces a greater portion of said lands than either one of the other two counties embraced in said proposed district. The county assessment roll or rolls for the year last preceding or the certificate of the county clerk and recorder or the certificate of the register of the State Land office shall be sufficient evidence of title for the purpose of this Act. Such petition shall set forth: (1) The name suggested for the proposed district; (2) A general description of the lands to be included in the proposed district; (3) The names of the holders of title or evidence of title to the lands in

Contents of petition.

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the proposed district ascertained in the manner hereinbefore mentioned; and if any holder is a non-resident of the county or counties in which the proposed district lies, the postoffice address of such non-resident owner, if known; (4) Generally the source from which the land in the proposed district is to be irrigated, the character of the works, water rights, canals and other property proposed to be acquired or constructed for irrigation purposes in the proposed district; (5) A statement that signers will pay any and all expenses incurred and any tax or taxes that may be levied against their lands for the purpose of paying the expense of organizing or attempting to organize the proposed district, retiring any bonds that may be issued and the interest thereon; (6) A prayer that the lands embraced within the proposed district be organized as an irrigation district according to the provisions of this Act.

Map and bond to accompany petition.

The petition shall be accompanied with (1) a map or plat of the proposed district, and (2) a good and sufficient bond or undertaking to be approved by the district court or judge thereof of the county in which the petition is filed, equal in amount to the probable cost of organizing such district, to be filed under the provisions of this Act, to pay all costs in and about the proceeding preliminary to the organization of the district in the event that said organization shall not be effected.

Effect of errors.

Mere error or omission in the description of any land or in the names of any of the holders of title or evidence of title to lands, shall not operate to render invalid any proceedings hereunder or to deprive either the district court or the Commission of jurisdiction in the subject matter; provided, such misdescribed lands or misnamed persons shall not be included in said district.

Clerk to dispose of petitions how.

It shall be the duty of the clerk of the district court in which such petition is filed to forward one copy of the petition, properly certified by him, to the secretary of Public Service Commission, who shall refer the same to its chief engineer, who shall advise the Commission of the estimated amount of his expenses in making a preliminary examination of the lands to be included in the proposed district and the source from which the lands are to be irrigated. The secretary of the Commission shall thereupon advise the party or parties filing the petition for the proposed irrigation district, of the amount of the preliminary expenses of the engineer, which

Secretary of Commission to notify of preliminary expense.

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amount shall forthwith be paid to the Secretary of the Commission and by him turned over to the state treasurer to be credited to the Montana Irrigation Fund, hereby created. Upon payment of such amount to the Secretary of the Commission, the engineer shall make a preliminary examination of the lands to be included in the proposed irrigation district, and the source from which the lands are to be irrigated, and shall make a report to the Commission as to the feasibility and advisability of the creation of such proposed district. The expenses of the engineer (not including his salary, but including the salaries of the necessary assistants) shall be paid out of the funds so deposited with the secretary of the Commission and any surplus over and above said expenes shall be returned to the petitioners by a warrant drawn on the Montana Irrigation Fund. Upon the report of the engineer being filed with the Commission, showing an estimate of the amount of water available for irrigating the lands to be served thereby, the number of acres that can be irrigated by such water and the approximate cost per acre and annual maintenance cost, the Commission shall thereupon make a recommendation as to whether or not the estimated cost of the construction or acquisition of the irrigation works will be disproportionate to the benefits to be derived therefrom. The secretary of the Commission shall thereupon transmit to the clerk of the district court in which the original petition was filed, a certified copy of such estimate and recommendations, under the seal of the Commission. The district court shall examine and consider the estimate and recommendation of the Commission before establishing any irrigation district, such estimate and recommendation being hereby made competent and relevant testimony. The petitioners shall have the right to subpoena and cross-examine any member of the Commission or its engineers at the initial and all subsequent hearings pertaining to the district; provided, however, that the provisions of this Act shall not apply to any irrigation district organized for the purpose of co-operating with the Reclamation Service of the United States government.

Engineer to examine lands.

Expense of engineer how paid.

Commission to make recommendation.

District Court to examine recommendation.

Section 5. After the receipt of the estimate and the recommendations of the Commission, the district court or judge thereof shall make an order fixing the time and place of hearing on the petition and directing that notice thereof be given. Thereupon the clerk of said court shall

Court to order hearing on petition.

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cause to be published, at least once a week for two successive calendar weeks in some newspaper published in the county where the said petition is filed a copy of such petition, together with a notice, stating the time and place by the said district court fixed, when and where the hearing on said petition will be had, and if any portion of the lands within the proposed district lies within any other county or counties, then the said petition and notice shall be published as above provided in a newspaper published in each such other county. If there be no newspaper published in such county said petition and notice may be published in a newspaper published in an adjoining county. The first publication of said petition and notice shall not be less than thirty days prior to the time mentioned in said notice for said hearing.

Notice of hearing.

Publication of notice.

In addition to such publication, the clerk of said court shall, within three days after the first publication aforesaid, mail a copy of said petition and notice to each such land owner whose postoffice address is stated in said petition.

Mailing notice.

The certificate of the clerk of the district court, under seal of the court, as to the facts of the publishing and mailing of said petition and notice, affixed to a copy of said notice, shall be sufficient evidence of such facts.

Section 6. At the time specified in the notice mentioned in the preceding section, the district court in which the petition aforesaid is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding three weeks in all, and may continue the hearing for want of sufficient notice or other good cause. The court, upon application of the petitioners, or any person or persons interested, shall permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing all persons interested whose lands or rights may be damaged, benefited or affected by the organization of the district or the irrigation works or improvements therein, or to be acquired or constructed as hereinafter set forth, may appear and contest the necessity or utility of the proposed district, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto.

Hearing of petition.

Amendment of petition—further notice.

It shall be the duty of the court to hear and determine whether the requirements of Sections 4 and 5 of this Act have been complied with and for that purpose shall hear

Duty of court.

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all competent and relevant testimony that may be offered.

Court may change proposed district.

The court may make such changes in the proposed district as may be deemed advisable, or as fact, right and justice may require; but shall not exclude from such proposed district, if approved by the Commission, any land which is susceptible of irrigation from the same general source and by the same general system of works applicable to the other lands of such proposed district if the owner or owners of such lands shall file in such district court a written request that such lands be included in such district; nor shall any lands which will not in the judgment of the court be benefited by irrigation by means of said system of works, nor shall lands already under irrigation, nor lands having water rights appurtenant thereto, nor lands that can be irrigated from sources more feasible than the district system, be included within such proposed district, unless the owner of such lands shall consent in writing to the inclusion of such lands in the proposed district, as hereinafter provided, and to this end the court may subdivide lands included within the petition or proposed at the hearing to be included within such district into forty acre tracts or smaller sub-divisions thereof as near as may be; provided, however, that where a district is formed to co-operate with the United States, lands previously irrigated and having water rights appurteannt thereto, may be included within the district boundaries if it shall appear to the court that the same will be benefited thereby. And, provided further, that all lands having water rights appurtenant thereto which are served by a system of irrigation works supplying more than ten thousand acres of land, may, in the discretion of the court, be included in the proposed district on petition of at least a majority both in number and acreage of the holders of title or evidence of title to the land having water rights appurtenant thereto and served by the same system of irrigation works. Lands of the district need not be contiguous, and any particular tract or tracts, irrespective of their location in the district, may be excluded.

What lands must be included.

Proviso.

Proviso.

If, in the final hearing, it is found by the court that the petition does not substantially comply with the aforesaid requirements of this Act, or that the facts therein stated are not sustained by the evidence, then the court shall dismiss the petition at the cost of the petitioners, and

Court may dismiss petition when.

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shall make and enter an order to that effect; but if it is found that said petition substantially complies with said requirements and that the facts therein stated are sustained by the evidence, then the court shall make and enter and order: (1) Setting forth said finding and allowing said petition; (2) Establishing the proposed district; (3) Giving descriptions of the lands included within the proposed district sufficient to identify the same; (4) Dividing the proposed district into three (3), five (5) or seven (7) divisions, approximately equal in area and number of holders of titles; (5) Appointing as director one competent person for each division of the district having the qualifications as provided by Section 7 of this Act.

Court to enter order, when.

Such finding and order shall be conclusive upon all the owners of lands within the district that they have assented to and accepted the provisions of this Act; and shall be final unless appealed from to the Supreme Court within sixty days from the day of entry of such order. A copy of such order duly certified to by the clerk of said court shall be transmitted to the secretary of the Public Service Commission, and one copy duly certified shall be filed for record, within thirty days after such order is made and entered with the county clerk and recorder of each county wherein the lands included within such district are situated.

Effect of findings and order.

Every irrigation district so established hereunder is hereby declared to be a public corporation for the promotion of the public welfare, and the lands included therein shall constitute all the taxable and assessable property of such district for the purposes of this Act.

Districts are public corporations.

Section 7. No person shall be qualified to hold the position of director unless he be an owner of land within the district, and shall be a resident of the county in which the division of the district, or some portion thereof, for which such director is elected, is situated.

Qualifications of directors.

The directors appointed as aforesaid shall hold their respective offices until the third Saturday in April following their appointment and until their respective successors are elected and qualified as and in the manner hereinafter provided. Each of such directors shall give a bond in the sum of Two Thousand Dollars, conditioned upon the faithful performance of his duties, to be made payable to the state for the benefit of the district; which bond shall be approved by the district court or judge

Directors—term of office.

Bond.

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thereof and filed in the office of the clerk of said court, provided, that in case any district organized under this title is appointed fiscal agent of the United States each director shall execute a further and additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal agent of the United States under such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such director or the district to fully, promptly, and completely perform their respective duties.

Further bond.

Organization of directors.

Section 8. The directors shall meet within ten days after their appointment by the court, and shall organize as a board by the election of one of their number as president, to serve at the pleasure of the board; they shall also elect a secretary (who may or may not be a director). The compensation of the secretary and all other employes authorized under this Act shall be fixed by the board.

Secretary.

Designation of principal office.

The board shall also at this meeting designate the place in the district where the office of the board shall be established and maintained and its records kept, which place shall be in the county containing the major portion of the lands of the district; and such place shall not be changed except by resolution of the board, of which notice shall be given by at least one publication in some newspaper published, or of general circulation, in the county wherein the office of the district is located, and by posting in at least three public places in each division.

Section 9. All meetings of the Board of Directors shall be public and a complete record of all proceedings shall be kept by the secretary.

Meetings public.

Meetings, when held.

Regular meetings of the board shall be held at such times as the board may by rule or by-laws prescribe; and special meetings may be called on twenty-four hours' notice by the president or any two members of the board, or in such other manner and upon such other notice as the board may by rule or by-laws prescribe. All meetings of the board may be adjourned as the Board shall order or direct. A majority of the directors shall constitute a quorum for any and all lawful purposes.

Quorum.

Compensation of directors.

Section 10. The directors when sitting as a board, or when engaged in the business of the district, shall

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each receive not to exceed five dollars ($5.00) per day and their actual and necessary expenses including premium or bond. No director, district engineer, member of the Public Service Commission, or employee thereof, or any other officer named in this Act shall in any manner be interested directly or indirectly in any contract, awarded or to be awarded or in the sale of any material to be used by the board, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be guilty of a misdemeanor and his conviction thereof shall work a forfeiture of his office and he shall be punished by a fine not exceeding Five Hundred ($500) Dollars or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

Officers not to be interested in contracts.

Penalty.

Section 11. Within 30 days after organizing, the board of directors shall appoint a competent civil engineer, as district engineer who has had construction experience in irrigation work. He may be an individual, co-partnership or corporation. Prior to his appointment, the directors shall draw up a contract with said engineer setting forth all the terms and conditions relating to his duties and compensation to be paid for such services; such contract to be submitted in duplicate to the commission for approval, prior to making the appointment. The district engineer thereafter shall have control of the engineering work of the district under the direction of the chief engineer of the Commission; he shall make all surveys and examinations, prepare all plans and specifications for the construction of any or all irrigation or drainage works constructed or partly constructed and shall be superintendent of the construction, and no payments shall be made to contractors unless the bills for work done and materials furnished shall be approved by the district engineer.

Appointment of district engineer.

Contract.

Powers of engineer.

No engineer-in-chief shall be employed by the board of directors of any irrigation district under the supervision of the Commission, either in a consulting capacity or for the purpose of carrying out any engineering work, unless his appointment, and contract fixing the rate of compensation for his services and the terms of his employment have first been approved by the Commission for the particular work for which the board of directors wish to employ him.

Commission to approve contract of employment.

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Powers of boards of directors.

Section 12. The board of directors of every irrigation district established and organized under and by virtue of this Act shall constitute the corporate authority of said district. They shall have the power to sue and may be sued in the courts of the State and of the United States, and it shall be their duty to manage and conduct the business and affairs of the district; adopt a corporate seal therefor; make and execute all necessary contracts; employ and appoint such agents, officers, employes as may be required, and prescribe their duties. All contracts for the purchase of irrigation and drainage works already constructed, and all contracts for the construction of irrigation and drainage works for districts under the supervision of the Commission, where the amount to be paid under such contract is in excess of Two Thousand Five Hundred ($2,500.00) Dollars shall be approved by the Commission before any warrants upon the funds of the district shall be drawn by the board of directors. No expenditures in excess of Two Thousand Five Hundred ($2,500.00) Dollars for any single piece of work shall be incurred by the board of directors without such expenditure being first approved by the Public Service Commission. The Board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same on any lands which in the judgment of the board may be deemed best suited for such location. Said board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase water and water rights, and to acquire by purchase, condemnation, or other legal means, lands for right-of-way, lands for reservoirs for the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use, maintenance, repairs and improvement of such system of works, and also to acquire by purchase canals and works already completed or in the course of construction, and to contract with the owner or owners of such canals and works so purchased and in course of construction for the completion thereof, subject to the approval of the Commission in each instance where the contract or purchase price exceeds the sum of $2,500.00 as hereinbefore provided. The board may contract with the United States for a water supply under any Act of Congress

Commission must approve contracts when.

Powers of Board.

Contracts with U. S. for water supply—issuance of bonds.

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providing for or permitting such contract, and in case contract has been made or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States at not less than ninety per cent of their par value, to the amount to be paid by the district to the United States under any such contract, if approved by the Commission, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment as hereinafter provided for an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the board may accept on behalf of the district, appointment of the district as fiscal agent by the United States, or authorization of the district by the United States to make collection of moneys for or on behalf of the United States whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the Federal Statutes now or hereafter enacted in connection therewith and all things required by the rules and regulations now or that may hereafter be established by any department of the Federal Government in regard thereto, said board shall also construct and maintain the necessary dams, reservoirs and works for the collection and distribution of water for the district and do any and every lawful act necessary to be done in order that sufficient water may be furnished to each land owner in the district for irrigation purposes. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of the district to and for the uses and purposes herein expressed and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof and in all courts, suits or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irri-

Construction of dams and works.

Other powers of board.

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Rules of board.

gation district. The said board may adopt rules and by-laws governing the calling and holding of meetings of the board, the manner of transacting business thereat, and the publishing of posting of the orders, resolutions, and proceedings of the board. It shall be the duty of said board to pass or adopt by-laws, rules and regulations for the apportionment and distribution of water to the lands of the district, and for the protection and preservation of the works and other property of the district, which shall be printed in convenient form for distribution in the district. Said board shall have power generally to do and perform all such acts as shall seem necessary or appropriate to fully carry out the purposes of this Act. All orders and resolutions shall be passed or adopted by a majority of directors by a yea and nay vote, to be entered upon the records of the board. For the purpose of purchasing or constructing necessary irrigation canals or works or acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this Act, the board of directors of any such irrigation district must as soon after such district has been organized, as practicable, formulate a general plan for such purchase, construction, and acquisition of such property, and shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan, the amount of land that can be irrigated thereunder, and furnish the proper basis for an estimate of the cost of carrying out such plan and the value of any canal, works, property, or system of irrigation proposed to be purchased. All such surveys, examinations, maps, plats and estimates shall be made by or under the direction and supervision of the district engineer provided for in Section II, under the general direction of the chief engineer of the commission, and all such necessary surveys, examinations, maps, plans, and estimates must be certified to by him. When all such plans are completed, he shall submit them with all proper field notes to and file them with the board of directors accompanied by his report and recommendation thereon. This report shall be submitted in duplicate and include a discussion of said plans by him submitted to said board, of the question of water supply, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint, of the probability of its being

Board to formulate plan for purchase of property.

Surveys and estimates how made.

District engineer to submit report.

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acquired or constructed within the estimate of the cost stated, and such general discussion and recommendations in regard to the engineering and financial features of the whole matter as in the judgment of such engineer shall be desirable for the information of the people of the district, the board of directors and the commission. Such report shall be accompanied by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said board of directors shall forward a true copy thereof, including plans, maps, and estimates, to the Secretary of the Commission.

Co-operation for confirmation of bond issue.

Section 13. It shall be the duty of the commission to assist and co-operate with the board of directors in the proceedings for the confirmation of any bond issue. Upon receipt of the copy of the district engineer's report, plans, estimates and maps, the commission shall thereupon cause to be made by its own engineers such additional surveys and field investigations as may be necessary and approve or disapprove of all or any portion of such proposed plans, estimates and specifications, and shall have the authority to order such changes or alterations in such plans, estimates and specifications as may in its judgment be necessary; when the plans are complete to the satisfaction of the Commission and are formallly adopted, they shall thereafter be known as "The Plan of Reclamation" a copy so certified shall be forwarded to the clerk of the board and no change of major importance shall thereafter be made without an express order from the Commission in each case. The Commission shall submit a final report in writing upon such matters as it may deem essential and particularly upon the following points:

The Plan of Reclamation.

Commission to submit final report.

Contents of report.

(a) The sufficiency of the water supply available for the project and the right of the district to so much of the water as may be needed.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(c) The feasibility of the proposed irrigation or storage system and of the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.

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(d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir cites or other irrigation works owned by such district or to be acquired or constructed by it with the proceeds of such bonds.

(e) The reasonable market value of the land included within the boundaries of the district, both before and after the proposed irrigation plans have been completed.

(f) A discussion of the crops and value thereof as related to the estimated annual assessments for all purposes that may be levied against the district.

(g) Its conclusions, findings, and recommendations as to the entire feasibility of the district and a result of all investigations and advisability of carrying out the plans as adopted.

State Engineer may report as to available water supply.

The Commission is authorized to call upon and it is hereby made the duty of the state engineer to make an investigation and report as to the available water supply and the right of the district to use the water as proposed, said report, or true copy thereof to be included in the report of the Commission as outlined in paragraph (a) above.

Final report how disposed of.

The final report of the Commission shall be filed with the clerk of the district court in which the petition was originally filed, and one copy shall be sent to the secretary of the district board. Such report from the Public Service Commission shall be signed by the Chairman and the Secretary of the Commission and have affixed thereto the seal of the Commission, and shall be considered by the district court as competent and relevant testimony in subsequent hearings upon the confirmation of bonds proceedings. The order of confirmation shall not be made until such report shall have been filed with the clerk and considered by the court.

Issuance of Bonds.

Section 14. For the purpose of providing the funds for constructing the necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and meeting the expenses incident thereto and for the purpose of acquiring by purchase or otherwise, water rights, canals, and irrigation works constructed or partially constructed, and for the purpose of otherwise carrying out the provisions of this Act, the board of directors of any district organized hereunder may issue negotiable coupon bonds of the district as and in the manner hereinafter provided. No bonds shall be issued by or on behalf of any irrigation district organized here-

Bonds how issued.

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under, except upon petition signed by at least a majority in number and acreage of the holders of title or evidence of title to the lands included within said district. Such petition shall be addressed to the board of directors, shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signatures; and shall be filed with the secretary of the board of directors. Upon the filing of such petition the board of directors shall by appropriate resolution authorize and direct the issuance of the bonds of the district to the amount and for the purpose or purposes specified in the petitions; fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; designate the place of payment of said bonds and interest coupons; prescribe the forms of said bonds and interest coupons to be attached thereto; and provide for the levy of a special tax or assessment as in this Act provided on all the lands in the district for the irrigation and benefit of which said district was organized and said bonds are issued, or said contract is to be made, sufficient in amount to pay the interest on and principal of said bonds when due. Such resolution shall provide for the confirmation proceedings in the district court as provided in Section 15.

Petition for issuance.

Board of directors to authorize bond issue.

Section 15. Within ten days after the adoption of the resolution mentioned in Section 14 of this Act, the board of directors shall file a petition in the district court of the judicial district wherein is located the office of said board, to determine the validity of the proceedings had relative to the issuance of said bonds and to the levy of said special tax or assessment.

Petition to court to determine validity of bond procedure.

Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested shall be had by notice given as hereinafter provided. Such petition shall set forth (1) generally, the establishment and organization of the district; (2) a certified copy of the petition mentioned in Section 14 of this Act; (3) a certified copy of the resolution mentioned in Section 14 of this Act; (4) the certificate of the Public Service Commission as mentioned in Section 13 of this Act; (5) a prayer for the confirmation of the proceedings of the board stated in the petition, and for the confirmation of the bond issue and the special tax or assessment levied to pay the bonds and interest thereon. Upon the filing of said

Action how had.

Contents of petition.

Order for hearing.

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petition in the district court, the court or judge thereof shall fix the time for the hearing of said petition, which shall not be less than fifteen days from the date of filing the petition in said court, and shall order the clerk of the court to give notice of the filing of said petition and the date of the hearing thereon by publication at least once a week for two calendar weeks in a newspaper published or of general circulation in the county where the office of the board of directors of the district is situated, and also by posting a written or printed copy of such notice in at least three public places in each division of the district, the first of such publications and posting to be not less than fifteen days prior to the date fixed for said hearing.

Notice of hearing.

Contents of notice.

Said notice shall state the substance of the petition and the time and place fixed for the hearing thereon, and that any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment in the proceedings had or to be had by the said board of directors with respect to said matters, may on or before the day fixed for the hearing of said petition, demur to or answer said petition, and may appear at said hearing and contest the granting of the prayer of said petition and the entry of any order or confirmation pursuant thereto.

Answer or demurrer to petition.

Who may appear.

Any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment, or the proceedings had or to be had by the board of directors of the district in connection with said matters and the entry of any order of confirmation pursuant thereto may enter his appearance in such proceedings and demur to or answer said petition and contest the granting of the prayer of said petition.

Procedure applicable.

The provision of the Code of Civil Procedure respecting the demurrer or answer to a verified complaint shall be applicable to a demurrer or answer to said petition. The person so demurring to or answering said petition shall be the defendants in the proceeding, and the board of directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer shall be taken as true and every holder of title or evidence of title to lands included in the district failing to answer or demur to the petition shall be deemed

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to admit as true all the material statements thereof. The procedure in such action shall be determined by the Code of Civil Procedure.

Court to determine validity of procedure.

Upon the hearing the district court shall find and determine whether the provisions and requirements of Section 14 of this Act have been complied with, and whether notice of the filing of the petition in the district court, and of the time and place of the hearing thereon has been duly given for the time and in the manner herein prescribed, and shall have power and jurisdiction to examine and determine the regularity, legality and validity of the proceedings had preliminary and relative to the issuance of the bonds and the levy of the special tax or assessment in the petition mentioned, and the legality and validity of said bonds and special tax or assessment, and any and all actions taken by the board of directors in connection with said matters, and shall hear all objections filed to said proceedings, or any part thereof, or to the issuance of said bonds or the levy of the said special tax or assessment or any portion thereof. The court in inquiring into the regularity, legality and validity of said proceedings, shall disregard any error, omission or other irregularity which does not affect the substantial rights of the parties to said proceedings. The court may ratify, approve and confirm said proceedings in whole or in part, and may ratify, approve, and confirm said bonds and special tax or assessment, and enter its judgment or decree accordingly. From any such judgment or decree an appeal may be taken to the Supreme Court at any time within thirty (30) days from the entry of such judgment or decree. Such appeal shall be taken, perfected, and heard in the manner prescribed by the Code of Civil Procedure covering appeals from the district courts to the Supreme Court and shall be heard by the Supreme Court as soon as convenient. If no such appeal be taken within the time aforesaid, or if taken and the judgment or decree of the district court be affirmed by the Supreme Court, such judgment or decree shall be forever conclusive upon all the world as to the validity of said bonds and said special tax or assessment and the same shall never be called into question in any court in the state. The costs of said proceedings shall be allowed or apportioned between the parties in the discretion of the court.

Appeals from judgment.

Costs how apportioned.

Bonds, form, terms and contents.

Section 16. The bonds shall be numbered consecutively, commencing with number one and following in nu-

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merical order. They shall mature serially in annual amounts so as to be approximately equal, principal and interest, in not less than ten years not more than forty years after the date of issue, as the board of directors may determine. They shall be negotiable in form and payable in gold coin of the United States of the present standard weight and fineness, or in its equivalent; provided, however, that bonds shall be issued so as to include a sum sufficient to pay the first three years' interest to accrue on said bonds.

Interest.

The bonds shall bear interest at the rate of not to exceed six per centum (6%) per annum, payable semi-annually on the first days of January and July of each year, and the principal and interest shall be payable at the office of the county treasurer of the county in which the office of the district board is located. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the president and secretary of the board of directors of the district, and the seal of the district shall be affixed thereto. The interest to become due on each bond shall be evidenced by interest coupons attached to such bond, which interest coupons shall bear the engraved facsimile signatures of the president and secretary of the board of directors of the district. Said bonds shall be registered in the office of the treasurer of the county in which the office of the board of directors of the district is situated, and in the office of the Public Service Commission of Montana, in books kept in their respective offices for that purpose, and therein must be stated the number, date, amount of bond, time and place of payment, rate of interest, number of coupons attached and any other description proper for future identification of each bond, and such commission shall endorse on each such bond a certificate substantially in the following form:

Registry.

Endorsement on bonds.

"We, ..., and ....., and ....., being and constituting the Public Service Commission of Montana do hereby certify that the within bond No. ..... of the ..... Irrigation District, issue .....(First date)..... is in accordance with an act of the legislature of Montana, approved .....(insert date)..... a legal investment for trust funds, the funds of insurance companies, banks, both commercial and savings trust companies, bonding companies, permanent school funds of the state of Mon-

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tana, and any funds which may be legally invested in county, municipal or school district bonds, and it may be deposited as security for the faithful performance of any contract or act whenever the bonds of any county, city or school district may be so deposited, it being entitled to such privilege by virtue of an examination of said district by the Public Service Commission of Montana in pursuance of said act. The within bond may also be used as security for the deposit of public money in the banks of said state.

Attest: .....
Official .....
.....
..... Being and Constituting
Secretary the Public Service Commission of Montana.
(SEAL)

Bonds are legal investment for what funds.

All bonds certified in accordance with the terms of this Act shall be legal investments for all trust funds, and the funds of all insurance companies, banks, both commercial and savings, trust companies in the State of Montana, state permanent common school funds and other permanent state educational, charitable and penal institution funds of the State of Montana; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, counties, school districts or municipalities in the State of Montana, such money or funds may be invested in said bonds of irrigation districts organized under, or subject to the provisions of this Act, and whenever bonds of cities, counties, school districts, or municipalities may, by any law or hereafter enacted, be used as security for the performance of any act, said bonds of irrigation districts under the limitations of this act provided may be so used.

Board may dispose of bonds how.

Section 17. The board may, with the consent and approval of the commission, elect not to sell such bonds but to deliver the same to the person, persons or corporation contracting to construct the works in payment thereof, and the board may provide in the contract therefor that the bonds shall be delivered to such contractor as the work progresses, or upon the completion thereof, provided, however, that no bonds shall be delivered to such contractor in excess of the amount of work actually done at the time of delivery, nor shall the total amount issued and delivered to such contractor be in excess of the amount due such contractor upon the completion of his

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contract, and no bonds shall be delivered or received in payment at a less value than eighty-five per cent of the face value thereof.

Sale of bonds—procedure.

If the board elects to sell the bonds which have been authorized by the confirmation order of the court, the board may sell the same from time to time, and in such quantities as may be necessary and most advantageous, and it shall be the duty of the commission to assist in the sale of the bonds of the district, by advertising in newspapers or periodicals or in any other manner they see fit. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of bonds and the day and hour and place of such sale, and shall cause such resolution to be entered on the minutes and one copy to be forwarded to the secretary of the commission, and notice of sale to be given by publication thereof at least thirty days in three newspapers published in the state, one of which shall be a newspaper published in the county in which the office of the board of directors is situated, if there be a newspaper published in said county, and in any other newspaper, at their discretion; the notice shall state that sealed proposals will be received by the board at their office for the purchase of the bonds till the day and hour named in the resolution. At the time appointed, the board shall open the proposals and either accept the most favorable bid received from responsible parties, or may reject any and all bids; and after offering said bonds for sale, as above provided, if no satisfactory bid is received, may use said bonds for any purpose for which the proceeds from the sale of bonds may be used, but such board shall in no event sell or dispose of any of said bonds for less than eighty-five per cent of the face value thereof, provided that each sale of bonds at less than par value must be approved by the commission and nothing in this Act shall prohibit said district from providing for the irrigation or drainage, or either, of units or portions of said district from time to time; provided, further that the board may, by resolution duly entered on its records cancel any bonds which may have been voted or issued which have not been sold, disposed of, or deposited as security for funds advanced or to be advanced and against which the state, United States, or any other person, firm or corporation shall have no claim to or equity in, and after the can-

Notice of sale.

Bids.

Limit on sale at discount.

Proviso.

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cellation of said bonds the same shall not be sold or otherwise disposed of and shall be invalid and of no effect.

Bonds from what source paid.

Section 18. Said bonds and the interest thereon due or to become due to the United States under any contract between the district and the United States, and all bonds and obligations for the payment of money authorized and incurred under this Act, shall be paid by the revenue derived from the annual assessments upon the land in the district, and all the lands in the district shall be and remain liable to be assessed for such payments as herein provided, subject to the provisions of this Act.

Property liable for indebtedness.

In addition to the provision for the payment of said bonds and interest by taxation and other provisions of this Act, all the property of the district, including irrigation and other works, shall be liable for the indebtedness of the district, and the holder or holders of the bonds of the United States, in case contract has been executed by the United States, may in case of default in the payment of interest or principal on the bonds, or the amount due on the contract, upon the order of the court, take possession of the irrigation and other works of the district and operate the same until the amount in default shall have been fully paid.

Lien of bonds.

All bonds issued hereunder shall be a lien upon all the lands originally or at any time included in the district for the irrigation and benefit of which said irrigation district was organized and said bonds issued, except as to such lands as may at any time have been included in such district on account of the exchange or substitution of water under the provisions of this Act, if any there be, and all such lands shall be subject to a special tax or assessment for the payment of principal and interest of such bonds; and said special tax or assessment shall constitute a first and prior lien on the lands against which levied to the same extent and with like force and effect as taxes levied for state and county purposes.

Special tax.

Disposal of proceeds of bonds.

Section 19. In the event that bonds are sold for cash, they shall be delivered to the county treasurer of the county wherein the office of the district is located, who shall deliver them to the purchaser upon receipt of the purchase price therefor after making a complete record of the same. The county treasurer shall receive the proceeds of the sale of said bonds from the purchaser, and place the same to the credit of said district; and the

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Money how paid out.

moneys received from the sale of bonds shall be paid out by the county treasurer only upon a warrant signed by the chairman and secretary of the board of directors and bearing the seal of the district. Said proceeds shall be expended for the purpose or purposes for which said bonds were issued and for no other.

Section 20. After the notice of approval by the commission of the plans and specifications and after the election of the board, approved by the commission, to deliver the bonds to the contractor in payment of the work, or, in the absence of such election, after the bond issue, or so much thereof as may be necessary for the construction contemplated, has been sold, the board of directors shall give notice, by publication or otherwise, as it may deem advisable, calling for bids for the construction of such work or any portion thereof. Said notice shall set forth that plans and specifications can be seen at the office of the board, and the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest bidder subject to the limitations as mentioned in Section 12; or they may reject any and all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties to be approved by the board, payable to said district for its use for not less than fifty per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction of the district engineer, and such work shall be inspected from time to time and approved by the chief engineer of the commission.

Notice for bids for construction of work.

Bond of contractor.

Inspection of work.

Board of directors to determine amount of money to be raised during year.

Section 21. The board of directors shall on or befor the third Monday in July of each year determine the whole amount of money necessary to be raised by said district for the ensuing year, for any and all purposes whatsoever in carrying out the provisions of this Act including bond interest, sinking fund requirements and maintenance. Said amount of money, when so determined by said board, shall be and constitute an assess-

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ment upon all of the lands included in said district, and shall be apportioned by said board to the lands owned or held by each person, firm, or corporation, so that each acre of irrigable land in the district shall be assessed and required to pay the same amount as every other acre of irrigable land therein except as hereinafter provided; provided, however, that no assessment shall be made or levied against any lands which may at any time be included within the district on account of the exchange or substituting of water under the provisions of this Act, but all such lands shall be assessed for administrative and maintenance purposes the same as other lands in the district. The board of directors shall determine the number of irrigable acres owned by each landowner in the district and the proportionate assessments as herein provided for as nearly as may be from available information, and should it be found that a substantial error has been made in such determination, proper adjustment may be made at the next equalization of the annual assessment by increasing or decreasing the amount any landowner shall pay.

Apportionment of expense.

Where straight maturity bonds are issued, it shall be the duty of the board of directors of the district to create and maintain a sinking fund sufficient to pay and discharge said bonds at maturity. If said bonds shall be issued for twenty years or less, there shall be annually levied for such sinking fund as special tax or assessment as aforesaid, sufficient to produce a net amount represented by the quotient found by dividing the aggregate amount of the principal of the bonds by the number of years the bonds have to run; but if said bonds are issued for more than twenty years, ther it shall not be necessary to levy a special tax or assessment for sinking fund until the twentieth year prior to the maturity of the bonds, at which time and each year thereafter there shall be levied and collected a special tax or assessment sufficient to produce a net sum equal to one-twentieth part of the aggregate amount of the principal of the bonds. A certified copy of such proportionate assessments as made by the board of directors and specifying the percentage of each that has been levied for the United States Contract Fund; bond principal and interest fund; sinking fund to redeem bonds; maintenance fund; construction fund and general fund shall be filed with the county clerk of each county in which the lands of the irrigation dis-

Sinking fund.

Tax levy for sinking fund.

Certified copy of proportionate assessments.

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trict lie and the special tax or assessment therein provided for shall be levied and collected as hereafter prescribed, and when so collected by the county treasurer having custody of the funds of the district shall be placed in a special fund and used solely for the payment of the interest on the principal of said bonds when due so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid, and in the event that the board of directors shall fail to make such levy or make a levy insufficient in amount for the carrying out of the provisions of this Act including sinking fund requirements, bond interest, annual maintenance charges, it shall be the duty of the Public Service Commission to certify the amount of the necessary levy to the county clerk in which any part of such irrigation district is located, who shall thereupon levy the same. In the event that for any reason, any special tax or assessment hereinabove provided for cannot or shall not be levied and collected in time to meet any interest falling due on any bonds issued hereunder, then the board of directors shall have the power and authority and it shall be its duty to provide for and pay such interest when due either out of any of the funds in hand in the treasury of the district not otherwise appropriated, or by warrants (which may bear interest at a rate not to exceed six per centum per annum) drawn against the next district tax or assessment levied or to be levied. Said warrant shall be in addition to those mentioned in Section 23 of this Act.

Procedure on failure of Board to make levy.

Provision for interest payments.

Investment of money in sinking fund.

The board shall have power and authority to direct the investment of funds in any bond sinking fund in interest bearing securities, whenever in their judgment the same may be to the best interests of the district. But all such securities shall be such as will be paid and converted into cash in time to meet the principal on the bonds payable from such sinking fund promptly at their maturity.

Board of directors to ascertain annual administrative expense.

Section 22. On or before the second Monday in July each year the board of directors of each irrigation district in this State, shall ascertain the total amount required to be raised in that year for the general administrative expense of the district, including costs of maintenance and repairs and interest on and the principal of the outstanding bonded or other indebtedness of the district, including any indebtedness incurred un-

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der any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States, and shall levy against each forty acre tract, or fractional forty acre tract of land in the district (or where lands shall be owned and held in twenty acre tracts or less, then against each said tract), that portion of the said amount so to be raised which the irrigable area of such tract bears to the total area of all the irrigable lands in the district. But the tax thus determined by the irrigable area of each such tract shall become a lien upon the entire tract of land of which such irrigable area forms a part, and attaches thereto as of the first Monday of March of that year. In order that such irrigable area may be determined, the directors shall cause to be made under the direction of the District Engineer, a careful topographical survey and map of all the irrigable lands in the district. A copy of the assessment list as outlined herein shall be transmitted to the county clerk of each county in which any of the lands of the district are situated not later than the first Monday in August of each year, and a duplicate copy thereof accompanied by a statement showing the various items of expense the assessment is designed to cover, shall be transmitted to the secretary of the commission by registered mail. In case the commission finds it necessary to increase the levy as made by the board the secretary shall transmit such change to the county clerk in each county containing acreage within the district not later than the first Tuesday in September; immediately thereafter the county clerks shall cause to be entered in the assessment book of said county or counties, and prior to the delivery of the said assessment books to the county treasurer, the assessment roll as transmitted by the commission, or in the event the commission has seen fit to make no change in the assessment as made by the board of directors, the original assessment roll as submitted by the board shall be taken as the true and correct assessment against each tract for that year. The county treasurer shall thereafter collect such taxes or assessments at the same time and in the same manner as county and state taxes.

Tax levy.

Lien of tax.

Determination of irrigable area.

Assessment list to whom transmitted.

Increase of levy —procedure.

In the event that the ownership of any tract of land in the district shall be divided after any tax or assessment against the same has been levied, each or either of the owners of such divisions shall be entitled to have such

Apportionment of tax on division of land.

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tax or assessment equitably apportioned to and against such divisions, so that each such owner shall be enabled to pay such tax or assessment against his portion of such tract, and have the same discharged from the lien thereof.

Limit of debt incurring power of directors.

Section 23. The board of directors or other officers of the district, shall have no power to incur any debt or liability whatever either by issuing bonds; or otherwise, except as provided in this Act; and any debt or liability incurred, in excess of such express provision, shall be and remain absolutely void, except that for the purposes of organization, or for any of the immediate purposes of this Act, or to make, or purchase surveys, plans and specifications, or for stream gauging and gathering data, or to make any repairs occasioned by any calamity or other unforeseen contingency, the board of directors may, in any one year, incur an indebtedness of one-half as many dollars as there are acres in the district, and may cause warrants of the district to issue therefor, bearing interest at the rate of not to exceed six per cent per annum.

Findings of Board when conclusive.

Section 24. In determining the proper and just tax or assessment to be levied against any land for district purposes, the finding of the board of directors of the district, together with such changes as may be ordered by the Commission, in the absence of fraud or mistake, shall be conclusive and final, except as herein otherwise provided.

County treasurer custodian of funds.

Section 25. The county treasurer of the county wherein the office of an irrigation district is located shall be the custodian of all funds belonging to the district, and he shall pay out such funds upon the order of the board of directors except as to payments on bonds and interest, and payments under any contract between the district and the United States. Where such orders are for the payment of money for construction work, the same shall be accompanied by and attached to the written estimate of the district engineer.

Funds of bond series to be kept separate.

When more than one series of bonds shall have been issued by a district, the funds for the payment of each series shall be kept separate and distinct, and when contract is made between the districts and the United States, the funds for the payment to be made under any such contract shall be kept separate and distinct.

Procedure when lands in more than one county

Section 26. Where the lands of any district lie in more than one county the district taxes or assessment

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collected in counties containing less than a majority of the lands shall be transmitted on or before the 26th day of December of each year by the county treasurer of such county to the county treasurer of the county wherein the office of the district is located.

Delinquent sales of land for taxes —how made.

Section 27. Delinquent sales of land for unpaid taxes or assessments shall be made in the same manner and at the same time as for state and county taxes in the respective counties where such lands are situated, and the right of redemption shall in all cases be made the same as in cases where lands are sold for state or county taxes.

Credit to irrigation district on sale of lands for delinquent taxes.

Whenever, any lot, tract, piece or parcel of land included within and forming a part of any irrigation district, created under the provisions of this act, or included within any extension of such district, shall be sold by the treasurer of the county wherein such land is situated, in the manner provided by law for the sale of lands for delinquent taxes for state and county purposes, and taxes or assessments of such irrigation district, form all or a part of the taxes for which such lands are sold, it shall be the duty of the county treasurer making such sale or sales, to place to the credit of the proper funds of such irrigation district out of the proceeds of such sale or sales, the total tax or assessment of such irrigation district, inclusive of the interest and penalty thereon as provided for by the general laws relating to delinquent taxes for state and county purposes, and whenever any such lands are struck off at such sale, to the county wherein the same are situated, pursuant to the provisions of Section 2638 of the Revised Codes of the State of Montana the county treasurer of such county must upon the issuance of the certificate of tax sale to said county, issue to said irrigation district, and in its corporate name, a debenture certificate, for the amount of taxes and assessments due to said irrigation district from said lands and premises so sold, inclusive of the interest and penalty thereon, which certificate shall be evidence of and conclusive of the interest and claim of said irrigation district, in, to, against and upon the lands and premises so struck off to said county, at such tax sale, and that from and after the issuance of said certificate, the sum named therein, and the taxes and assessments of said district evidenced thereby, shall bear interest at the rate of one per centum (1%) per month from the date of said certificate until redeemed in the manner provided

Issuance of debenture certificates.

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for by law for the redemption of the lands sold for delinquent state and county taxes, or until paid, from the proceeds of the sale of the lands and premises described therein, in manner provided for by section 2682 of the Revised Codes of the State of Montana, and duplicates of such certificates so issued to said irrigation district, shall be filed in the office of the county clerk and county treasurer of said county with the certificate of tax sale of said lands and premises.

Certificates assignable.

That the certificates provided for by the preceding paragraph hereof, shall be assignable, and may be sold or negotiated by the board of directors of said irrigation district and the proceeds thereof delivered to and deposited with the county treasurer of said county for the proper credit to the respective funds of said irrigation district and upon the sale, negotiation or transfer thereof as above provided for, the lien of said irrigation district shall vest in the purchaser thereof and is only divested by the payment to the purchaser or the county treasurer of said county for his use of the sum for which said certificate until redeemed as hereinafter provided for.

Payment of certificate on redemption of land.

That upon the redemption of any lands so sold for taxes in the manner provided for by Section 2645 of the Revised Codes of the State of Montana, the county treasurer of said county, out of the redemption money, shall pay to the holder or holders of such certificate or certificates, the sums for which the same were issued, with interest as therein provided to the date of the redemption of said lands.

Procedure when land not redeemed.

That when the lands and premises so sold for taxes and upon and against which the certificates herein provided for have been issued for the taxes and assessments of such irrigation district, are not redeemed within the time provided for by Section 2645 of the Revised Codes of the State of Montana, it shall be the duty of the board of county commissioners of said county, within three (3) months thereafter, to cause said lands and premises to be sold as provided for by Section 2682 of the Revised Codes of the State of Montana as amended March 8, 1909, and out of the proceeds of the sale thereof, the county treasurer of said county shall pay to the holder or holders of such certificates the sum or sums for which the same were issued with interest as therein provided for to the date of said sale of said lands by the board of county commissioners, and no lands and premises so held by

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any county and against which the certificates provided for by this act have been issued, shall upon such sale be struck off and sold for a less sum than the amount of taxes and assessments of said irrigation district represented by said certificates, inclusive of the interest thereon in addition to the state and county taxes, if any, against the same.

Procedure when land struck off to county.

In case the property so assessed for irrigation district purposes is struck off to the county as provided for by law, and certificates of the taxes and assessments of said irrigation district issued thereon as hereinbefore provided for, and the said lands and premises be not redeemed before the next annual assessment for irrigation purposes shall become delinquent thereon, then and in that event, whether said lands and premises be again sold by the county treasurer of said county or the sale thereof adjourned as provided for by Sections 2678-79 of the Revised Codes of the State of Montana, like certificates for each year's irrigation district, taxes and assessments shall be issued against said land and shall be included in and satisfied by any redemption thereof with interest as hereinbefore provided for, and shall in like manner be paid from the proceeds of sale of said lands by the board of county commissioners, if the same be not redeemed as provided for by law.

That in all cases where lands and premises included within and forming a part of any irrigation district, formed under this act, shall have heretofore been sold for delinquent taxes in the manner provided for by law and the same have been struck off to the county in which said lands are located, the treasurer of said county shall within thirty (30) days after the passage and approval of this act, issue to said irrigation district, like certificates for taxes and assessment of said irrigation district, included within and forming a part of the total tax for which said lands and premises were so struck off and sold to such county and for all taxes and assessments of said irrigation district, levied and assessed against said lands and premises, subsequent to the first sale thereof, which then remain delinquent, and file like duplicates thereof, in manner and form as hereinbefore provided for, and all of the preceding provisions of this act shall apply with like force and effect to such certificates.

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Liability of county treasurer for funds of district.

Section 28. The county treasurer to whom district funds or securities are intrusted shall be liable on his bond for the safe keeping of said funds and securities, and such funds shall be properly divided into the respective funds for which district taxes or assessments were levied; that is to say, United States contract funds; bond principal and interest fund; sinking fund to redeem bonds; maintenance fund; construction fund; and general fund. The construction fund shall be available for the payment of the purchase price of all works, water rights, or other property purchased by or for the district and all expenses incident thereto; as well as for the payment of the cost of construction or works, including cost of engineering, superintendence, and other expenses incident thereto. All warrants issued for preliminary and organization expenses and all administrative expenses shall be paid from the general fund. The county treasurer is authorized to receive in lieu of cash interest coupons maturing within the year in payment of any tax or assessment levied for payment of interest on bonds, and the county treasurer at any time upon the order of the board of directors of the district, shall turn over to said board any bonds or securities held by him and required to be delivered to said board in accordance with the provisions of this act.

Construction fund—how used.

Interest coupons receivable in lieu of cash.

All interest coupons so received or otherwise paid and all bonds of the district upon payment thereof, shall be immediately cancelled and retained by the county treasurer as vouchers.

Sale of lands includes water.

Section 29. Where any lands in any district are sold or transferred either by deed, mortgage, foreclosure sale or otherwise, such sale or transfer shall include the water belonging to and appurtenant to the land, whether or not the same is expressly stated in the deed, instrument of transfer or decree, and such land shall be liable to special tax or assessment the same as if such sale or transfer had not been made.

Consolidation of appeals.

Section 30. If more than one appeal shall be pending at the same time concerning similar contests in this act provided for, such appeals shall be consolidated and tried together.

Court to disregard immaterial errors.

Section 31. The court hearing any of the contests or proceedings herein provided for shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding.

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Rules of procedure applicable.

The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for. The costs of any such hearing or contest may be allowed and apportioned between the parties or taxed to the losing parties in the discretion of the court.

Liability of officers for violation of duty.

Section 32. For any wilful violation of any express duty hereunder on the part of any officer herein named, he shall be liable upon his official bond and be subject to removal from office by proceedings brought in the district court of the county wherein the office of the board of directors of the district is located, by any tax or assessment payer of the district.

Transfer of money in construction fund.

Section 33. In the event of any money remaining in the construction fund after the completion of any district project, the same may be transferred to an appropriate fund for the redemption of the outstanding bonds of the district.

Transfer of funds generally.

Section 34. The board of directors shall have power to transfer money from any one fund to any other fund and the county treasurer is hereby authorized to make such transfer upon presentation of certified copy of a resolution passed by the board of directors, except that no money shall be drawn from the sinking fund or construction fund, except as specifically provided in this act; provided, that no money in the United States contract fund shall ever be diverted to any other fund.

Written consents to be acknowledged and filed.

Section 35. Whenever any written consent is required to be given by or obtained from the owner or owners of any lands by any of the provisions of any of the sections of this act, such written consent must be acknowledged before some officer authorized to take acknowledgments, and shall be filed and recorded in the office of the clerk and recorder of the county in which such lands are situated, and a certified copy thereof must be filed in the office of the clerk of the court in the county in which the proceedings for the organization of such district were instituted, but the provisions of this section shall not apply to any petition provided for by this act; and all such petitions may be signed in any number of original parts with the same effect as though all signatures had been affixed to one instrument.

Examination of books by Public Service Commission.

Section 36. All books, accounts, records, contracts and securities of every kind, pertaining or belonging to any

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district shall be subject to examination by the auditor of the Public Service Commission and by the state examiner, and it is hereby made the duty of the state examiner to examine the same as provided by law for the examination of the affairs of county officers, and the board of directors or the secretary thereof shall at all reasonable hours allow such officers to have access to all books, records and vouchers of the district which are in possession or control of the secretary or of said board.

Creation of election precincts.

Section 37. The board of directors shall within six (6) months after the organization of the district divide the district into one or more election precincts.

Said board when they deem it advisable for the best interests of the district and the convenience of the electors thereof, may, at any time, but no less than ninety (90) days before any election to be held in the district, change the boundaries of the divisions and election precincts of the district; provided that such action of the board, to be effective shall be approved by the district court; and provided also that in making such changes the several divisions of the district shall be kept as nearly equal in area and population as practicable.

Such division into election precincts and such change of boundaries of the divisions or election precincts shall be made by resolution or order of the board to be recorded in the minutes of the board, together with the order of the district court, approving the same, and a certified copy of the same shall be filed in the office of the county clerk and recorder in each county in which any of the lands of the district are situated.

Election of directors.

Section 38. The regular election for directors in each district shall be held annually on the first Saturday in April of each year; the term of office of directors shall commence on the third Saturday in April following the election. At the first regular election following the

Term of directors.

creation of a district there shall be elected one director from the first division who shall hold his office for a term of one year; one director from the second division who shall hold his office for a term of two years; one director from the third division, who shall hold his office for a term of three years; if there be five divisions in a district, one director shall be elected from the fourth division who shall hold his office for two years and one director shall be elected from the fifth division who shall hold his office for three years and if there be seven

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divisions in a district, one director shall be elected from the sixth division who shall hold his office for two years and one director shall be elected from the seventh division who shall hold his office for three years. At the regular elections held thereafter each year, there shall be elected for a three year term one director for each vacancy caused by the expiration of the term of office of a director that year; each director so elected must be a qualified elector and a resident of the same divisions as the director whom he is to succeed in office. Directors shall be chosen by the electors of the entire district, and each director-elect before taking office shall take and subscribe the official oath to be administered by the held-over members of the board, and file same in the office of the board of directors. Each member of the board of directors shall execute an official bond in the sum of Two Thousand ($2,000.00) Dollars, which said bond shall be approved by the judge of the district court of said county where the organization was effected, and shall be recorded in the office of the county recorder thereof and filed with the secretary of said board. All official bonds of directors shall be in the form prescribed by law for the official bonds of county officers.

Oath of directors.

Bond of directors.

On the third Saturday in April following each regular election, the board shall meet and organize by electing a president from their number and a secretary who may or may not be a director and who shall hold office during the pleasure of the board.

Election of president and secretary.

The board of directors may submit any proposal of major importance to a vote of the electors of a district at any regular or special election for decision; provided that such proposal when passed upon at an election shall be final and binding upon said board, unless reversed at a later election.

Submission of proposals to electors.

Section 39. In case of a vacancy in the board of directors from any cause, such vacancy shall be filled for the remainder of the term by appointment by the judge of the district court of the county in which the division or major portion thereof is situated. The appointee shall be an owner of land situated in the same division of the district as his immediate predecessor of such board, and shall hold office until his successor is elected and qualified.

Vacancies by directors how filled.

Section 40. Fifteen days before any election held under this Act, the Secretary of the board of directors

Notice of election.

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shall post notices in three public places in each election precinct of the time and places of holding the election, and shall also post a notice of the same in the office of said board. Prior to the time for posting notices the board by a resolution or order entered on their records, shall designate the house or place to be used as a polling place, and from the electors thereof, they shall appoint three judges who shall constitute a board of election for such precinct. Said judges shall appoint one of their number to act as clerk. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board shall prescribe the forms and provide for the printing and distribution of the ballots for all elections held under this act.

Polling place.

Election board.

Judges may administer oaths.

Section 41. The judges may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of election, any judge or clerk shall cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any elector of the precinct may administer and certify any such oath.

Polls when open.

Section 42. The polls shall be opened at twelve o'clock A. M. and be kept open until five o'clock P. M. when the same shall be closed.

Voting how conducted.

Section 43. Voting may commence as soon as the polls are opened and may continue during all the time the polls remain opened, and such election shall be conducted, except as herein otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of this state, except that no registration shall be required. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes cast for each candidate or for each proposition, and designating the office or proposition voted for which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk and judges. One of said certificates, with the poll list and the tally paper to which it is at-

Certiifcate of result.

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tached, shall be retained by one of the judges, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the judge during the counting thereof, in the order in which they were entered upon the tally list by the clerk; and said ballots, together with the other of said certificates, with the poll list and tally to which it is attached, shall be sealed by the judges and clerk, and endorsed: "Election returns of (naming the precinct) precinct", and be directed to the secretary of the board of directors of said district, and shall be immediately delivered by the judges or some other safe and responsible carrier designated by said judges, to said secretary, and the ballots shall be kept by the board in the same manner as ballots of other elections.

Election returns.

Section 44. No list, tally paper, or certificate returned from any election, shall be set aside or rejected merely for want of form, if it can be satisfactorily understood. The board of directors shall meet on the first Monday after the election to canvass their returns. If, at the time of the meeting, the returns from each precinct in the district in which the polls were opened have been received, the board shall then and there proceed to canvass the returns thereof; but if all the returns have not been received, the canvass shall be postponed from day to day until all the returns have been received. The canvass must be made in public. The board shall declare elected the person receiving the highest number of votes, except as hereinbefore provided for the first election held in each district, and also declare the results of the vote on any question submitted.

Lists not to be set aside when.

Canvass of returns.

Section 45. The secretary of the board of directors shall, as soon as the result of any election held under the provisions of this act is declared, enter in the records of such board and file with the county clerk of the county in which the office of said district is located, a statement of such results, which statement must show: First, a copy of the election notice and the proof of posting the same. Second, the names of the judges and Clerks of said election. Third, the whole number of votes cast in the district, and each precinct of the district. Fourth, the names of the persons voted for. Fifth, the office to fill which each person was voted for. Sixth, the number of votes given in each precinct for each of such persons. Seventh, the number of votes given in the district for

Secretary to enter statement of result.

Contents.

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each of such persons. Eighth, the names of the persons declared elected. Ninth, the proposition or propositions submitted, the vote for and against each, and the result of the vote thereon. The secretary shall immediately make out and deliver to each person elected a certificate of election, signed by him and authenticated with the seal of the district.

Certificate of election.

Who entitled to vote.

Section 46. At all elections held under the provisions of this act, except as herein otherwise expressly provided, the following persons holding title or evidence of title to lands within the district shall be entitled to vote:

(1) All persons having the qualifications of electors under the constitution and general and school laws of the state:

(2) Guardians, executors, administrators and trustees residing in the state;

(3) Domestic corporations, by their duly authorized agents.

Votes on basis of land ownership.

In all elections held under this act, each elector shall be permitted to cast one vote for each irrigable forty acres of land or major fraction thereof in the district owned by such elector, but any elector owning twenty acres or less shall be entitled to one vote. In case of an election held before it has been possible to segregate the irrigable from the non-irrigable land under the plan of reclamation proposed, all land within the district will be considered as irrigable for purpose of the election.

Nomination of candidates for director.

Section 47. Candidates for the office of director to be filled by election under the provisions of this act, may be nominated by petition filed with the secretary of the board of directors of the district at least ten days prior to said election and signed by not less than five electors of the district; such petition shall specify the respective divisions for which such nominees, respectively, are candidates; and the names of all candidates for each division of the district shall be printed on the same ballot.

Electors may write in names directors, when.

If no nominations are made the electors of the district shall write on the ballots the names of the persons for whom they desire to vote for directors, provided nothing herein contained shall prevent an elector from voting for any qualified person, although the name does not appear upon the official ballots.

Special elections when and how called.

Section 48. The board of directors may at any annual election or at any time call a special election and submit

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to the qualified electors of the district any questions which under the provisions of this act is required, or which in the judgment of the board is proper, to be submitted to popular vote. Such election shall be called, noticed and conducted and the result thereof determined and declared in the manner provided in this act relative to general district elections; provided, however, that the notice thereof shall in addition to being posted also be published at least once, not less than ten days prior to the date of the election, in some newspaper published in the county in which the office of the board of directors of the district is located.

Procedure when lands in more than one county.

Section 49. Where the lands of a district lie within more than one county, all petitions, papers, documents or other instruments shall be filed, and proceedings had in the county where the petition for the organization of the district was filed.

Change of boundaries of districts.

Section 50. The Boundaries of any irrigation district organized hereunder may be changed in the manner herein prescribed; provided such change of the boundaries of the district shall not impair or affect its organization or its rights in or to property, nor any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Petition for change in boundaries of district—procedure.

Whenever lands have been included within the boundaries of an established and organized irrigation district which from their location or conformation cannot be successfully irrigated by the irrigation works or system already constructed or proposed to be, constructed, or the cost of irrigating the same will become burdensome upon the land owners of the district, a majority in number of the holders of title or evidence of title to the land included in such district, such holders of title or evidence of the title also representing a majority in acreage of said lands, may petition the district court of the county in which the lands of the district, or the greater portion thereof, are situated, for an order or decree changing the boundaries of the district by the elimination therefrom of such lands. The petition for this purpose must be signed by the required number of holders of title or evidence of title to lands within such district as hereinbefore specified and the same shall be filed with the

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Contents of petition.

clerk of the district court as herein designated. Such petition shall set forth:

(1). The name of the district.

(2). A general description of the lands to be eliminated or excluded from the district.

(3). The names of the holders of title or evidence of title to the lands sought to be excluded; also the names of the holders of title or evidence of title to the remainder of the lands of said district; and if any holder of title is a non-resident of the county or counties in which the district lies, the post office address of such non-resident owners, if known.

(4). A brief description of the character of the works, water rights, canals and other property acquired or proposed to be acquired or constructed for irrigation purposes in the district.

(5). A brief statement of the reasons why the lands sought to be excluded should be eliminated from the district.

(6). A prayer for the exclusion of the lands sought to be eliminated therefrom.

Map and bond to accompany petition.

The petition shall be accompanied with (1) a map or plat of the district showing thereon the lands sought to be eliminated therefrom and (2) a good and sufficient bond or undertaking to be approved by the district court or judge thereof of the county in which the petition is required to be filed under the provisions hereof, to pay all costs in and about the proceedings and the hearing thereof in the event that said petition is denied.

Errors not to invalidate procedure.

Mere error or omission in the description of any lands or in the names of any of the holders of title or evidence of title to lands shall not operate to render invalid and proceedings hereunder or to deprive the district court of jurisdiction of the subject matter.

Order for hearing on petition.

On such petition being filed, the district court or judge thereof shall make an order fixing the time and place of hearing on the petition and directing that notice thereof be given. Thereupon the clerk of said court

Notice of hearing.

shall cause to be published at least once a week for two successive calendar weeks in some newspaper published, in the county where the said petition is filed a notice stating the time and place by the said district court fixed when and where the hearing on said petition will be had and containing a brief statement of the matters set forth in said petition and the object thereof; that if any por-

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tion of the lands sought to be excluded from the district lie within any other county or counties then said notice shall be published as above provided in a newspaper published in each such other county.

Publication of notice.

The first publication of said notice shall be not less than thirty (30) days prior to the time mentioned in said notice for said hearing.

If any holder of title or evidence of title to lands sought to be excluded from the district is a non-resident of the county or counties in which the district lies, the clerk of said court shall within three days after the first publication aforesaid mail a copy of said notice to each such non-resident whose postoffice address is stated in said petition. The certificate of the clerk of the district court under the seal of the court as to the facts of the publishing and mailing of said notice affixed to a copy thereof shall be sufficient evidence of such facts.

Hearing of petition.

At the time specified in the notice the district court in which the petition is filed shall hear the petition, but may adjourn such hearing from time to time, not exceeding two weeks in all, and may continue the hearing for the want of sufficient notice or other good cause.

Amendments.

The court upon application of the petitioners shall permit the petition to be amended and may order further or additional notice to be given.

Who may contest petition.

Upon such hearing all persons interested whose lands or rights may be damaged or benefited by the granting of the petition or the exclusion of the lands from the district may appear and contest the necessity or justice of the court's making an order granting such petition in whole or in part and the contestants and petitioners may offer any competent evidence in regard thereto.

Court to hear testimony.

It shall be the duty of the court to hear and determine whether the requirements as herein set forth have been complied with and for that purpose shall hear all competent and relevant testimony that may be offered.

Order of court.

The court may grant such petition in whole or in part and may make an order making such changes in the boundaries of the district by the exclusion of such lands therefrom as may be deemed advisable or as fact, right and justice may require.

Effect of order.

Such order shall be conclusive upon all of the owners of lands within the district and shall be final unless appealed from to the Supreme Court within sixty days of the entry of said order.

Appeals.

For the purposes of any such

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appeal such order shall be regarded as a final judgment of said district court. A copy of such order duly certified to by the clerk of said court shall be filed for record within thirty days after such order is made and entered with the county clerk and recorder of the county wherein lands included within such district are situated; provided, however, there shall be omitted from such copy lands not situated in the county in which such copy is filed.

Extension of boundaries—procedure.

Section 51. (a) The boundaries of any irrigation district may be extended at any time to include lands susceptible of irrigation by the works of the districts or through exchange or substitution of water as hereinafter provided, excluding and excepting therefrom, however, all lands already under irrigation, or lands having water rights appurtenant thereto or lands that can be irrigated from sources more feasible than the district system, unless the owner of such lands shall consent, in writing, to have such lands included in said district; provided, however, that a petition be presented to the district court of the judicial district in which the irrigation district was organized, asking for such extension upon terms to be fixed by the court, signed by the holders of title, or evidence of title (evidence as in this act provided) of the lands proposed to be included in the district, representing not less than two-thirds in acreage of said lands. When such petition is presented, the district court, or judge thereof, shall appoint a day for a public hearing, notice of which shall be given by the clerk of the court, by publication at least once a week for at least two weeks in a newspaper published or in general circulation in the county in which the office of the district is situated; and if any of said lands sought to be included in the district lie in a county or counties other than that in which the office of the district is situated, such notice shall also be likewise published in some newspaper published or of general circulation in such other county or counties; or if there be no such newspaper, then such notice shall be posted in at least three public places in the territory sought to be included. At such public hearing, the district court shall hear those who may desire changes made in the proposed extension, and all those whose lands are included or sought to be included in the district, and all other persons whose rights may be affected by the proposed extension. Such public hearing may be adjourned from day to day, not exceeding twenty days

Hearing.

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in all, and the court shall make an order, either granting or denying said petition; and if said petition is granted, said order shall describe the lands included in said extension and the terms on which said land shall be included, and a copy of said order shall be filed with the county clerk and recorder in the county wherein said lands are situated. The order of the district court shall be final and conclusive, the same as the order originally creating the district unless appealed from to the Supreme Court within two days from the entry of the order; provided, however, that the extension of such boundaries shall not deprive the lands already in said district of an adequate supply of water for irrigation purposes.

Order.

(b) That whenever any lot, tract, or parcel of land has been heretofore, or may hereafter be included, within the boundaries of any public irrigation district formed under the provisions of this Act, and the acreage thereof fixed and stated in the decree for creation of said district or in any other proceeding relating thereto, is fixed at a greater number of acres than actually exists within such lot, tract or parcel of land, or at a greater number of acres than can be irrigated from the reclamation system of said district, or whenever from any action or proceeding by or on behalf of said district or its commissioners, any such lot, tract or parcel of land included therein has been or is about to be assessed for a greater acreage than exists therein, or can be irrigated from the reclamation system of said district, the owner or holder of title, or evidence of title to said lands as defined by the irrigation district act, may have the taxable acreage contained therein fixed and adjudicated as provided for by this Act.

Procedure to fix and adjust taxable acreage.

(c) That the owner or holder of title, or evidence of title, as defined by the irrigation district acts, may file in the district court of the county wherein said lands are situated a petition praying that the acreage of the lands set forth and described in such petition may be permanently fixed and adjudicated, which petition shall set forth:

Petition—contents and filing.

(1) The name or names of the owners, holder of title or evidence of title thereto, who shall be the party or parties "plaintiff" therein.

(2) The names and kind and character of interest of every person owning, holding, or claiming any right, title or interest in or to the lands described in said peti-

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tion, who shall, where they do not appear as parties plaintiff under Subdivision 1 hereof, sit as parties "defendant".

(3) The name of the district in which said lands are included, together with the name of the board of commissioners thereof, and the secretary thereof, and the name or names of the bondholders, if any, thereof, if known; and said district, its commissioners, secretary, and the known or unknown bondholders thereof shall be made parties defendant therein.

(4) A statement of the substance of all proceedings, orders, and decrees creating said districts and fixing the acreage of the lands therein described, together with any proceedings of the board of commissioners of said district, or its officers, relating to the acreage thereof, to such extent as to fully inform the court of the manner and extent to which said lands have been included and taxed or assessed in said district.

(5) The actual acreage of the lands described irrigable from the reclamation system of said district.

(6) The excess of acreage complained of.

(7) The amount of taxes previously paid on such excess acreage.

(8) A general statement of the exact nature of the relief sought and the grounds therefor.

Issuance of summons.

(d) That upon the filing of such petition, summons shall be issued thereon and served upon all parties defendant thereto, in the same manner and in the same form as are issued in civil actions.

Bondholders may be made parties.

(e) That whenever the bondholders of any district who are necessary parties to such a proceeding are unknown, they may be joined as the unknown bondholders of said district, and whenever said bondholders are unknown or any necessary party thereto cannot after due diligence be found within the State of Montana, service upon such party or parties, including said bondholders, may be had by publication of a summons which shall be obtained, issued, and published in the same manner as a published summons in a civil action.

Rules of pleading and practice applicable.

(f) That the provisions of the Code of Civil Procedure of the State of Montana, and the rules of pleading and practice applicable to civil actions generally shall apply, so far as applicable, to this proceeding.

(g) That if the allegations of such petition be denied the district court shall, when the time for appearance

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of the parties defendant thereto has expired and said parties have appeared by answer or made default, proceed to hear and determine the issues in said proceedings as joined.

Court to determine irrigable acreage.

(h) Upon the hearing of said petition the court shall by its decree, fix and determine the irrigable acreage contained in the lots, tracts or parcels of land complained of, and the acreage so fixed by such decree shall be the acreage upon which all assessments of said lands in said irrigation district shall thereafter be based, and upon said hearing the court shall determine the amount of taxes, if any, which have theretofore been levied and assessed upon any excess or non-existent acreage, and shall enter judgment in favor of the owner or holder thereof and against said district for the excess of taxes theretofore collected by said district, or shall cancel such excess if the same shall not have been collected for the benefit of said district; provided, however, that no judgment for the recovery of excess taxes paid shall be entered against any district until there shall have been deducted therefrom any unpaid valid taxes and assessments levied and assessed for the benefit of said district against the lands described in said petition, and all sums so recovered shall bear interest at the rate of eight per cent per annum from the date of payment by the landholder, and said judgment shall bear legal interest from the date of entry; and the judgment so rendered may be paid by warrants or funds of said future taxation upon said lands, and costs shall be allowed to the plaintiff in the same manner as other civil actions.

Judgment for excess taxes.

Appeals.

(i) From any such judgment or decree an appeal may be taken to the Supreme Court by any party thereto, at any time within ten days of the entry of said judgment or decree. Such appeal shall be taken, perfected, and heard in the manner prescribed by the Civil Code of Procedure governing appeals from the district court to the Supreme Court. If no such appeal be taken within the time aforesaid, or if taken, the judgment or decree of the district court shall be affirmed by the Supreme Court, such judgment or decree shall be forever conclusive upon the parties thereto.

Secretary of Interior to consent to changes when.

Provided, that in case contract has been made between the district and the United States no change shall be made in the boundaries of the district, and the district court shall make no order changing the boundaries of the

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district until the Secretary of the Interior shall assent thereto in writing and such assent be filed with the district court.

Construction of works across streams, highways, etc.

Section 52. The board of directors shall have the power to construct the said irrigation works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security to life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be so as not to destroy its usefulness; and every company whose railroad shall be intersected or crossed by said works, shall unite with said board in forming said intersection and crossing; and if such railroad company and said board, or the owners and controllers of said property, thing or franchise so to be crossed cannot agree upon the amount to be paid therefor, or the points or the manner of said crossing or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to taking of land for public use.

Duty of railroads.

But nothing herein contained shall require the payment to the state, or any subdivision thereof, of any sum for the right to cross any public highway with any such works. The right-of-way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now or hereafter may be the property of this State.

Protection of vested rights.

Section 53. Navigation shall never in anywise be impeded by any operation of this Act, nor shall any vested interest in or to any ditches, or in or to any water rights, or reservoirs or dams now used beneficially by the owners or possessors thereof, in connection with any or other industry, or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly, in carrying on or in promoting the mining or agricultural industry, ever be affected by or taken under its provisions save and except that rights-of-way may be acquired over the same. Provided, further, that the right of eminent domain shall not be otherwise considered abridged by the provisions hereof.

Diversion of waters forbidden when.

Section 54. Nothing herein contained shall be deemed to authorize the diversion of the waters of any river, creek, stream, canal, or waters therein or to permit any

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interference with, or encroachment on, the interest of any said person or persons.

Directors may lease works when and how.

Section 55. The board of directors shall have the power, with the written consent of a majority in number and acreage of the owners of the lands in the district, to lease in whole or in part the system of canals and works or water belonging to the district, whenever such leasing may be deemed for the benefit of the district; provided, that when said board contemplates the leasing of the canals or works, or water of such district, they shall so declare by resolution or order, and give notice thereof by publishing the same in some newspaper published in the county in which the office of such irrigation district is situated, at least two calendar weeks prior to the making of any lease. Provided, however, that no such lease shall be made unless a majority in number and acreage of the holders of title or evidence of title to the lands in the district, shall file with the board a written consent to make such lease. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made, nor shall such lease operate so as to deprive any owner or owners of land in such district of the use of water from such works upon such lands; and further provided, that the board of directors shall require a good and sufficient bond to secure the faithful performance of the lease by the lessee.

Vesting of legal title.

Section 56. The legal title to all property acquired by or for any irrigation district under the provisions of this Act shall immediately and by operation of law vest in such district as set forth in this Act. And the board of directors is hereby authorized and empowered to hold, use, maintain, acquire, manage, occupy and possess said property as herein provided.

Use declared public.

Section 57. The use of all water acquired for the irrigation of the land of any district formed under the provisions of this Act, together with the rights of way for canals and ditches, sites for reservoirs, and all property required in fully carrying out the provisions of this Act, is hereby declared to be a public use, subject to the regulations and control of the state, in the manner prescribed by law.

Apportionment of water.

Section 58. The board of directors shall apportion the water for irrigation among the lands in the district in a just and equitable manner and the maximum amount

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apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same, but subject to reduction as hereinafter provided; provided, however, that any water owner of the district shall have the right to sell or assign for one season any of the water apportioned to him and not required for use upon the land to which such water belongs.

Procedure on shortage of water.

Section 59. In the event of a shortage of water, the amount of water delivered to each particular tract or piece of land shall be reduced proportionately, and all surplus water belonging to the district may be sold or disposed of by the board for the benefit of the district.

Inclusion of lands under irrigation from other sources.

Section 60. Any land already under irrigation from any source may be included in any irrigation district, either at the time of the organization of such district, or at any time thereafter, and such land shall be entitled to receive and shall be given the same amount of water necessarily used thereon at the time of such inclusion; and the canals, ditches, flumes, dams, or other works previously used to irrigate such land, may be used or supplanted either wholly or in part by the district works; provided, however, that the owner of such land, canals ditches, flumes, dams or other works shall be entitled to compensation for any and all damages sustained by reason of the appropriation of the same, or by the construction of said district works; provided, however, that lands already under irrigation, or lands having water rights appurtenant thereto, or lands which can be irrigated from sources more feasible than the district system, shall not be included within such district, unless the owner of such lands shall consent in writing to have such lands included in said district.

Compensation to owners.

Contracts for exchange of water.

Section 61. Whenever any canal, constructed, owned, or controlled by the district crosses any creek, stream, water channel or course, the water of which is used to irrigate land lying below such canal, the district shall have the right to contract with the owner or owners of the right to the use of the water or waters in any such stream, creek, water channel or course, for an exchange of water, and to supply him with water from the district system, which contract shall be in writing, signed and acknowledged by all the parties thereto before some officer authorized to take acknowledgments, which ac-

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knowledgment shall be certified by such officer in the manner that deeds are now required to be certified to entitle them to be recorded, and shall be filed and recorded in the office of the clerk and recorder of the county in which the creek, stream, water channel or course is situated, and thereafter such district shall have the right to supply such land below the canal whether such land is included in the district or not, with water from the works of the district, and the owner or lessee of such land shall, in such case, be furnished with the same quantity of water as that to which such owner or lessee would be entitled out of such creek, stream, water channel or course, had the district works not been built. The district shall have the right to appropriate and take possession of the water so replaced and shall have the same right to such water as the owner or lessee of the land had, so long as such water shall be replaced by a like quantity of water but the district shall never deprive such owner or lessee of the right to retake and use the same, should such owner or lessee at any time be prevented from having or using a like quantity of water from such works; and the district shall also have the right to make appropriation and take possession of such water at any point, and to sell, lease, or use such water on any land, either above or below the canal, and the appropriation of such water at any point or selling, leasing, or using the same shall not prejudice the right of the district to the water and shall not increase the right of the owner or owners of any other water right on such creek, stream, water channel or course.

Procedure for inclusion of state lands.

Section 62. The State Land Board for and on behalf of the State of Montana is hereby empowered to sign a petition for the inclusion of any lands belonging to the State in an irrigation district, and to pay all annual assessments thereon to the treasurer of the county in which the lands are located out of appropriations made by the legislative assembly for such purpose; such payments shall be added each year to the appraised value of the land, and the land shall thereafter be sold for a sum not less than the appraised value, plus all assessments paid to date of sale.

Lands under irrigation not to be taxed without consent of owner.

Section 63. Where lands already under irrigation, the water and irrigation works irrigating the same belonging to the owner of said lands, are included in any district, such lands shall not be charged with any tax or assess-

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ment for construction or for payment of the interest or principal of any bonds issued to secure money for construction or purchase of the district irrigation works, or for any payments other than for operation and maintenance, except with the consent of the owner thereof, which consent shall be filed with the county recorder of the county in which such lands are situated, but such lands shall be assessed for administrative and maintenance purposes the same as other lands in the district.

Generation of electric power.

Section 64. Any irrigation district which shall generate power for the purpose of pumping water for irrigation, or which shall have a dam across a stream, and can produce power therefrom, may generate power for lighting and domestic purposes within the irrigation district. An irrigation district is also authorized to contract and pay for power for the purpose of pumping water for irrigating the lands of the district. The commission shall have and exercise general supervisory control over all rates charged and to be charged under this section.

Contracts for pumping.

Apportionment of cost of pumping water.

Section 65. In the event that water for irrigating all or any portion of the lands of an irrigation district is obtained by pumping, and for the purpose of irrigating the lands of such district it is necessary to pump water to different elevations, the total cost of such pumping, maintenance and operation of the pumping project shall be apportioned and levied in such manner as may be determined fair and equitable by the Public Service Commission after considering the facts in each case. Such apportionment shall be made and shall be certified to the board of directors before the time fixed herein to make the first levy.

Drainage of lands.

Section 66. In case it becomes necessary to drain any lands within an irrigation district on account of seepage or saturation, or for the purpose of carrying off waste water such drains shall be constructed by the board of directors, and all expenses in connection with the same shall be borne by the district and paid by warrants upon the general fund of the district.

Procedure for dissolution of district.

Section 67. Whenever an irrigation district has been organized under this Act, and no irrigation system for the reclamation of the lands in the district has been constructed, purchased, or acquired, and no bonded indebtedness has been incurred, and all expenses of organization, and all other indebtedness of the district have

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been paid, then such district may be dissolved by an order of the district court of the county in which the lands, or greater portion thereof, are situated. In order that the district court may acquire jurisdiction to enter such order dissolving the district a petition must be filed with the clerk of said court, signed by an equal number of holders of title, or evidences of title as are required to sign the original petition for the creation of the district. The court must make an order for the hearing of said petition within sixty days from its filing, and the clerk must transmit a copy of such petition and order to the Public Service Commission of Montana, and give notice of such hearing by posting a notice thereof in each of three public places in said district and by publishing a copy thereof once a week for two consecutive weeks in a newspaper of general circulation published in such county. Upon the hearing of said petition any person interested may appear and give evidence for or against the granting of the petition. If upon said hearing the court finds that no bonded indebtedness of the district exists, that all expenses of organization and all other indebtedness have been paid, and that the best interests of the land owners of said district require that the district shall be dissolved, the court shall make an order dissolving such district, and shall cause a certified copy thereof to be filed in the office of the clerk and recorder of each county in which any of the lands included in such district are situated.

Liberal construction of act.

Section 68. The object of this Act being to better secure the irrigation of lands of the state and thereby to promote the prosperity and welfare of the people, its provisions shall be liberally construed so as to effect the objects and purposes herein set forth.

Expenses how borne.

Section 69. All expenses incurred by the Public Service Commission pursuant to the provisions of this Act in connection with the organization of any irrigation district, except the salary of the chief engineer, or such engineer as the Commission may detail for its investigative work in connection with the district or in the issuance of bonds thereof, shall be borne by such irrigation district and shall be paid by warrants drawn upon the funds derived from the sale of bonds of such district, such warrants to be payable to the Public Service Commission and deposited in the State Treasury to the credit of the Montana Irrigation Fund herein created.

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Public Service Commission may employ help.

Section 70. It shall be the duty of the Public Service Commission to employ such attorneys, engineers, accountants and assistants necessary to carry out the provisions of this Act, fixing the term of their employment and rate of compensation. The secretary of the Commission shall keep a record of the amount of time spent by employes on work connected with the several districts and shall make proper charges therefor, together with the necessary traveling expenses.

Bonds of engineers.

Section 71. The Chief Engineer of the Public Service Commission and any assistant irrigation engineers employed by the commission pursuant to the provisions of this Act, placed in responsible charge of investigations relative to the feasibility of districts, shall, before entering upon the discharge of duties hereunder, give a good and sufficient bond to the State of Montana in the sum of Ten Thousand ($10.000.00) Dollars for the Chief Engineer, and in the sum of Five Thousand ($5.000.00) Dollars for each said assistant engineers, with sureties to be approved by the Governor, conditioned upon the faithful discharge of their duties hereunder. The premium on said bonds, if any, shall constitute a valid charge against the State of Montana and be paid, on proper claim therefor, by the State Board of Examiners in the same manner as the premiums on the bonds of elected and appointed officers of the state, where bond is required.

Premiums how paid.

Bond of district engineers.

The Board of Directors of any district organized under the provisions of this Act, may require, before confirming the appointment of the District Engineer, a bond in such amount as may be justified by the amount of responsibility involved, said bond to be for the faithful discharge of the duties as herein outlined, the premium thereon to be a legitimate claim against the district and to be paid by the Board of Directors in the same manner as other claims against the district.

Existing districts not affected.

Section 72. Nothing in this Act shall be construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had not this Act been passed; nor shall it affect the validity of any bonds which have been issued but not sold.

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Validation of prior proceedings.

And where districts have heretofore been organized, or bonds authorized, issued or sold or any proceedings have been undertaken on the theory that under the laws as they then existed, assessments might be assessed, levied or collected, such organization, authorization, issuance or sale of bonds and any and all such proceedings are hereby validated, cured and confirmed. All districts that have been organized or that are now in process of organization in the manner provided by Chapter 14, Acts of Extraordinary Session Sixteenth Legislative Assembly shall hereafter be considered as being subject to and governed by the provisions of this Act and all proceedings conforming with the provisions of said Chapter 14 to and including the order for the creation of the district by the judge of the district court, are hereby declared sufficient and confirmed and complying with the terms of this Act; and provided, further, that any district organized or in process of organization under the provisions of Chapter 146 Acts of Eleventh Legislative Assembly and acts amendatory thereof and supplemental thereto, may at any time elect to hereafter proceed under and be governed by the provisions of this Act by filing a written election and consent in duplicate to that effect with the clerk of the district court with written instructions that one copy be forwared to the Public Service Commission, said written election and consent to include the signatures of the majority in number of the holders of title, or evidence of title, such signatures also representing a majority in acreage of said lands, and otherwise conforming to the general requirements of that petition mentioned in Section 4 hereof; and when such written objection and consent shall be so filed in the office of the clerk of said district court and copy thereof forwarded to the office of the Commission, such district shall be thereafter under, subject to and controlled by the provisions of this Act; and provided further that if any district heretofore created shall have issued any bonds or entered into any contracts for the construction or acquisition of works or property, nothing herein contained shall be construed as affecting the rights of the holders of such bonds or the right of any person, persons or corporation party or parties to any such constract with the district under or by virtue of any of the provisions of said acts.

Existing districts may elect to accept act.

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Repeal of Chap. 14 Ex. L. 1919.

Section 73. Chapter 14 Acts Extraordinary Session Sixteenth Legislative Assembly entitled "An Act to create the Montana Irrigation Commission; to define its powers and duties; to define the powers and duties of the State Engineer in connection therewith; to provide for the furnishing of and contracting for power by an irrigation district; to provide for the apportionment of the cost of pumping water; to provide for drainage of lands within an irrigation district; and to provide penalties for a violation of the provisions of this Act" and all other acts and parts of acts in conflict herewith are hereby repealed; provided, however, that none of the provisions of Chapter 146 Acts of Eleventh Legislative Assembly or of any act amendatory thereof or supplemental thereto shall be deemed to be repealed by this Act, it being intended that after the passage of this Act two methods shall be prescribed by the laws of this state for the creation, organization, administration and control of irrigation districts, one of such methods being prescribed by Chapter 146 Acts Eleventh Legislative Assembly and acts amendatory thereof and supplemental thereto, and the other provided by this Act, and hereafter, any persons desiring to create and organize any irrigation district shall have the option of causing such district to be created, organized, governed and controlled either under and by the provisions of said Chapter 146 Acts Eleventh Legislative Assembly and acts amendatory thereof and supplementary thereto, or under and by the provisions of this Act.

Exception of existing acts.

Section 74. All Acts in conflict herewith are hereby repealed.

Section 75. This Act shall be in full force and effect after its passage and approval.

Approved March 5, 1921.

CHAPTER 154.

An Act to Appropriate Money for the Operating and Hospital Expenses of Indigent Crippled Children of the State of Montana; Creating the Montana Orthopedic Commission; Providing for the Appointment of Members Thereof; Prescribing Their Powers and Duties, Fixing Their Term of Office, and Repealing All Acts and Parts of Acts, in Conflict Therewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Appropriation for cure of indigent crippled children.

Section 1. That there is hereby appropriated out of any money in the general fund of the State of Montana, not otherwise appropriated, the sum of Twenty Five Thousand Dollars ($25,000.00), to be used for the actual hospital and operating expenses, in the care of the indigent crippled children of the State of Montana who are at the instance, or direction of the Montana Orthopedic Commission, cared for in any hospital within the State of Montana; said money so appropriated to be administered and expended at the instance and under the direction of the Montana Orthopedic Commission as hereinafter prescribed.

Creation of Montana Orthopedic Commission.

Section 2. There is hereby created a commission composed of five (5) members to be known as the Montana Orthopedic Commission, members of which shall consist of the Secretary of the State Board of Health, the president of the Montana State Medical Association, a representative of the Montana Tuberculosis Association, and two members of the Montana Federation of Women's Clubs, the latter three members to be appointed by the Governor, and to serve until such time as they are removed by the Governor. Such Commission shall serve without pay; except the members thereof, shall be entitled to the actual necessary and traveling expenses incurred, when serving on the business of the Commission.

Duty of Commission.

Section 3. It shall be the duty of this Commission to examine into the matter of all applicants for relief, whenever any child or person within the State of Montana who is crippled and in indigent circumstances shall apply for relief in the matter of obtaining medical, surgical and hospital expenses. The said Commission in its discretion, is hereby authorized to employ not to exceed one field investigator whose salary and expenses shall be paid from the money herein appropriated; provided, that such salary and expenses shall not exceed the sum of Four Thousand Dollars ($4,000.00).

Field investigator.

Commission to enter special order for care, etc.

Section 4. Whenever the need for relief has been established to the satisfaction of this Commission, a special order for the care, treatment, and if an operation is necessary, an operation at any hospital properly equipped for the treatment of such cases shall be made, and all bills and statements for service so rendered for

Payment of bills.

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any crippled child or person, upon an order given by said Montana Orthopedic Commission, shall be first referred to said Commission and if found correct by them, they shall so designate upon the said claim, and such claim shall then be allowed, and paid from the appropriation hereby made, upon presentation to, and approval by, the State Board of Examiners.

Section 5. This Act shall be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 155.

An Act Requiring Every Person, Firm, Association, Joint-Stock Company and Corporation Engaged in or Carrying on the Business of Coal Mining, or Engaged in Working or Operating Any Mine or Mining Property in the State of Montana, from Which Coal Is Mined, Produced or Extracted, to Pay to the State Treasurer for Engaging in and Carrying on Such Business, Certain License Taxes for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Taxes; Prescribing a Method for the Assessment and Collection Thereof; and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person" defined.

Section 1. The term "person," as used in this Act, shall mean and include any individual, firm, co-partnership, and every corporation, joint stock company and association.

Persons mining coal to pay license tax.

Section 2. Every person engaging in or carrying on the business of coal mining, or engaged in the business of working or operating any mine or mining property, in the State of Montana, from which marketable or merchantable coal of any kind is mined, extracted or produced, whether such person shall carry on such business or engage in such work or operations as owner, lessee, trustee, possessor, receiver, or in any other capacity, must, for the year 1921, and each year thereafter, when engaged in or carrying on such business, work or operations, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, work and

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operations, in an amount equal to five cents (5c) per ton for each and every ton of two thousand pounds (2000#) of marketable or merchantable coal, mined, extracted or produced by such person in the State of Montana and shipped by such person during such year, or used by such person for any purpose except in connection with the operating of the mine or mining property from which the same was mined, extracted or produced, or delivered by such person to any other person for shipment, sale or use by such other person; provided, however, that nothing in this Act shall be construed as requiring laborers or employes, hired or employed, by any person to mine coal, or to work in or about, or in connection with any coal mine or coal property or business, to pay such license taxes, nor shall any work required to be done in prospecting for, or in developing, or opening up any coal mine or mining property, be deemed to be the carrying on of a coal mining business, or the engaging in the business of working or operating of a coal mine; provided further, that if during any such work of developing or opening up any coal mine or coal mining property, any marketable or merchantable coal shall be mined, extracted or produced and sold, then the same shall be deemed the carrying on of a coal mining business and the engaging in the business of working and operating a coal mine.

Amount of tax.

Proviso.

Section 3. Such annual license tax shall be paid in quarterly installments for the quarters ending, respectively, March 31st, June 30th, September 30th and December 31st in each year, beginning with the quarter ending March 31st, 1921, and the amount of the license tax due for each such quarter shall be paid to the State Treasurer within thirty days after the end of each such quarter.

Payment of tax quarterly.

Section 4. Each and every person engaged in or carrying on the business of coal mining, or engaged in the business of working or operating any mine or mining property in the State of Montana, from which coal of any kind is mined, at the date when this Act becomes effective, must, not later than the thirtieth day of April, 1921, and every person who shall, after the date this Act becomes effective, engage in the business of coal mining or engage in working or operating any mine or mining property in the State of Montana, from which coal of any kind is mined, must, immediately upon engaging in

Certain persons to file statement with State Board of Equalization.

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such business, work or operations, file with the State Board of Equalization, a certificate and statement, on forms prescribed by such State Board of Equalization, which shall contain the name under which such person is engaging in and carrying on such business, work and operations within this State, giving the place or places of business or location of the mine or mining property; the name and address of the managing agent in this State, if an association, joint stock company or corporation, or if a firm or partnership, the names and addresses of the persons composing the same; if an association or corporation, under the laws of what state organized, its principal place of business and the names and addresses of its principal officers; and such other information as the Board may deem necessary.

Record of coal to be kept.

Section 5. Every such person shall keep a record, in such form as the State Board of Equalization may require, of all coal mined, extracted or produced, and of all coal sold or otherwise disposed of by such person, and such records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents and employees.

Statements showing coal produced to be filed.

Section 6. Each and every such person must, within thirty days after the quarter ending March 31st, 1921, and within thirty days after the end of each following quarter, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of tons, of two thousand pounds (2000#) each, of marketable or merchantable coal mined, extracted or produced by such person during such quarter, from all coal mines or coal mining property worked or operated by such person, and shipped by such person, or used by such person for any purpose except in connection with the operating of the mine or mining property from which the same was mined, extracted or produced, or delivered by such person to any other person for shipment, sale or use by such other person, together with the total amount due to the State as license tax for such quarter; and must within such thirty (30) days, and at the time of delivering such duplicate statement to the State Treasurer, pay to the State Treasurer the amount of the license tax shown by such statement to be due to the State of Montana, for the quarter for which such statement is made. Such statement must be signed and verified by the oath

Payment of tax.

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of the individual or indivaduals, or by the president, vice-president, treasurer, assistant treasurer, or managing agent in this State, of the association, joint stock company or corporation making the same. Any person engaged in working or operating more than one coal mine may include all coal mines worked or operated by him in one statement. The State Treasurer shall file one copy of such statement in his office and deliver the other copy thereof to the State Board of Equalization.

Verification of statement.

Section 7. It shall be unlawful for any such person to fail, neglect or refuse to file any statement or certificate required by this Act in the manner or within the time herein required, or to make such statement false in any particular.

Duty to file statements.

Section 8. If any person shall fail, neglect or refuse to file any statement required by Section 6 of this Act, within the time therein required, the State Board of Equalization, shall, immediately after such time has expired, proceed to inform itself, as best it may, regarding the number of tons of marketable or merchantable coal mined, extracted or produced by such person, during such quarter and shipped or used by such person, or delivered by such person to any other person for shipment, sale or use by such other person, and shall determine and fix the amount of the license taxes due to the State from such person for such quarter and shall make out a statement, in duplicate, showing the same, and shall add to the amount of such license taxes, twenty-five percent (25%) thereof as a penalty, and deliver one of such statements to the State Treasurer, who shall proceed to collect the amount of such license taxes, with the penalty added thereto and interest on the whole thereof, at the rate of twelve percent (12%) per annum from the date of the making of such statement by the State Board of Equalization, until paid. Upon request of the State Treasurer, it shall be the duty of the Attorney General or any County Attorney to commence, and prosecute to final determination in any court of competent jurisdiction, an action at law to collect the same.

Penalty for failure to make statements.

Procedure to determine tax.

Duty of Attorney General.

Section 9. All license taxes collected under the provisions of this Act shall be deposited to the credit of the General Fund of the State.

Disposal of license taxes.

Section 10. Any violation of any of the provisions of the Act shall be deemed a misdemeanor, and shall be punished by a fine of not exceeding One Thous-

Misdemeanor.

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and Dollars ($1000.00), or by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment.

Tax in addition to existing fees.

Section 11. The license tax herein provided for, shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 156.

An Act Requiring All Persons, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaging in or Carrying on the Business in This State of Selling Gasoline and Distillate in This State, to Pay to the State Treasurer Certain License Taxes for Engaging In and Carrying On Such Business in This State; Fixing the Amount of Such License Taxes; Providing a Method for the Assessment, Collection and Disposition Thereof; And Prescribing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person" defined

Section 1. As used in this Act: The term "person" means and includes every individual, firm, association, joint stock company, syndicate and corporation.

"Distributor" defined.

The term "distributor" means and includes every person who engages in the business in the State of refining, manufacturing, producing or compounding gasoline or distillate, and selling the same in this State; and also every person who engages in the business in this State of shipping, transporting or importing any gasoline or distillate into, and making original sales of the same, in this State.

"Dealer" defined.

The term "dealer" means and includes every person, other than a distributor, who engages in the business in this State, of distributing or selling gasoline or distillate within this State.

Distributor of gasoline, etc., to pay license tax.

Section 2. Every distributor shall, for the year 1921, and each year therafter, when engaged in such business in this State, pay to the State Treasurer a license tax for engaging in and carrying on such business in this

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State, in an amount equal to one cent for each gallon of gasoline, and one cent for each gallon of distillate refined, manufactured, produced or compounded by such distributor and sold by him in this state, or shipped, transported or imported by such distributor into, and distributed or sold by him within this state, during such year; provided, however, that no gasoline or distillate distributed or sold by any such distributor in the original packages in which the same was shipped, transported or imported into this state, shall be included or considered in determining the amount of such license tax, but only such gasoline and distillate as has been sold or distributed by such distributor, after the breaking of the original packages in which the same was shipped, transported or imported into this state shall be included or considered in computing the amount of the license tax to be paid by such distributor; provided, further, that all gasoline and distillate distributed by any distributor to any of its service stations in this state shall be deemed to have been sold, and shall be treated and considered, in computing such license tax in the same manner as though the same had been sold to dealers or other persons.

Exemption of certain gasoline, etc.

Section 3. Every dealer shall for the year 1921, and each year thereafter, when engaged in such business in this state, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in such business in this state, equal to one cent for each gallon of gasoline and one cent for each gallon of distillate sold or distributed by such dealer in this state during such year. Provided, however, that no gasoline or distillate sold or distributed by such dealer, and which was refined, manufactured, produced or compounded and sold by a distributor in this state, and no gasoline or distillate sold by such dealer which, when purchased by him, was contained in containers or packages other than the original containers or packages in which the same was shipped, transported or imported into this State, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline and distillate as was shipped, transported or imported into this State and purchased by such dealer in the original packages in which so shipped, transported or imported into this State, and then resold by such dealer after the breaking of such original packages by him, shall be included or considered

Dealer in gasoline, etc., to pay license tax.

Exemption.

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for the purpose of computing the amount of such license tax.

License taxes payable quarterly.

Section 4. Such license tax shall be paid in quarterly installments for the quarters ending, respectively, March 31st, June 30th, September 30th and December 31st, in each year, beginning with the quarter ending March 31st, 1921, and the amount of such license tax becoming due for each quarter shall be paid to the State Treasurer within thirty days after the end of the quarter for which the same is due.

Distributors to keep records.

Section 5. Each distributor shall keep a record in such form as the State Board of Equalization shall require, showing the total number of gallons of gasoline and distillate refined, manufactured, produced or compounded and sold by such distributor within this State during each quarter; or showing the total number of gallons of gasoline and distillate shipped, transported or imported into this State by such distributor; the number of gallons thereof sold in this State in the original packages in which shipped, transported or imported into this State; the number of gallons thereof sold in this State by such distributor, after breaking the original packages in which the same was shipped, imported or transported into this State.

Dealers to keep records.

Each dealer shall keep a like record showing the total number of gallons of gasoline and distilllate sold by him; the number of gallons of gasoline and distillate so purchased, contained in the original containers or packages in which the same was shipped, transported or imported into this State; the number of gallons so purchased contained in containers or packages other than the original packages in which imported, transported or shipped into this State; and the number of gallons, so purchased, refined, manufactured, produced or compounded and sold in this State, and such other information as the State Board of Equalization may require. All such records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents or employes.

Distributors to make quarterly statements.

Section 6. Each and every distributor must, within thirty (30) days after the quarter ending March 31st, 1921, and within thirty (30) days after the end of each following quarter, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total

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number of gallons of gasoline and distillate refined, manufactured or compounded, and sold by him within this State or, the total number of gallons of gasoline or distillate shipped, transported or imported into this State by such distributor during such quarter; the number of gallons sold in the original package in which shipped, transported or imported into this State; the number of gallons sold in containers or packages other than the original packages in which the same was shipped, transported or imported into this State and such other information as the State Board of Equalization may require; and the total amount due to the State of Montana as license taxes for such quarter.

Dealers to make quarterly statements.

Each and every dealer must, within thirty (30) days after the quarter ending March 31st, 1921, and within thirty (30) days after the ending of each following quarter, make out in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of gallons of gasoline and distillate sold by such dealer during the quarter, which was purchased by him in the original packages in which the same was shipped, transported or imported into this State; and the total amount due to the State of Montana as license taxes for such quarter. Such statement shall be signed and verified by the oath of the individual, or individuals, or by the president, vice president, treasurer, assistant treasurer, or managing agent in this State of the joint stock company, association, syndicate or corporation making the same.

Any distributor or dealer engaged in or carrying on his business at more than one place or location in this State, may include all such places of business and locations in one statement.

The Treasurer shall file one of such statements in his office and shall deliver the duplicate copy thereof to the State Board of Equalization.

Payment of license tax.

Section 7. Each distributor and each dealer must, within thirty (30) days after the end of each such quarter, and at the same time the statement required by Section 6 of this Act is delivered to the State Treasurer, pay to the State Treasurer, the amount of the license tax shown by such statement to be due for the quarter for which the statement is made and filed.

Duty to make statements.

Section 8. It shall be unlawful for any distributor or dealer to fail, neglect or refuse to make and file any

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statement required by the provisions of Section 6 of this Act, in the manner, or within the time therein provided, or to make any such statement false in any particular.

Penalty for failure to make statements.

Section 9. If any distributor or dealer shall fail, neglect, or refuse to make any statement required by Section 6 of this Act within the time therein provided, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may, regarding the matters and things required to be set forth in such statement, and from such information as it may be able to obtain, to make a statement showing such matters and things, and determine and fix the amount of the license tax due the State from such delinquent distributor or dealer for such quarter, adding to the amount of such license tax a penalty of not exceeding fifty per cent (50%) thereof, and deliver such statement to the State Treasurer, who shall proceed to collect the amount of such license tax with penalty added thereto, and interest on the whole thereof, at the rate of twelve (12) per cent per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination, in any court of competent jurisdiction, an action at law to collect the same. No action shall be maintained by any such distributor or dealer to review, revise or change such statement in any particular, or to enjoin the collection of the license tax, or any part thereof, and such distributor or dealer shall have no right to pay such license tax, or any part thereof, under protest, and maintain any action to recover the same.

Procedure to determine amount of tax.

Duty of Attorney General.

Sales in original packages— invoice to purchaser.

Section 10. Every distributor selling any gasoline or distillate in this State, in the original package in which shipped, transported or imported into this State by such distributor shall, at the time of making such sale, make out and deliver to the purchaser thereof, an invoice, in which invoice shall be stated the number of gallons of gasoline or distillate covered by such invoice, and that the same has been sold in the original packages in which the same was shipped, transported or imported into this State.

Exceptions from Act.

Section 11. None of the provisions of this Act shall apply to the sales of gasoline or distillate when sold for, and exported out of the State.

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Disposal of money.

Section 12. All money received by the State Treasurer in payment of license taxes under the provisions of this Act, shall be by him deposited in, and credited to, a special fund to be known as "Gasoline License Tax Fund."

Statement to school officers as to number of teaching positions.

Section 13. The county superintendent of schools of each county in the State, must, between the 15th day of April and the 1st day of May in each year, make and file with the State Treasurer, a statement and certificate showing the total number of teaching positions in which teachers were employed for a period of at least six months during the calendar year ending December 31st immediately preceding, in all of the public schools in such county, including kindergarten, primary, grade, district high and county high schools; provided, however, that, if during such calendar year, or thereafter and before the making of such statement and certificate, any portion of a county has been detached from such county, and attached to another county, or has been detached from such county and included in a new county, the number of such teaching positions within that portion of such county so detached, shall not be included in the statement and certificate of the county superintendent of schools of such county, but the same shall be included in the statement and certificate of the county superintendent of schools of the county to which the portion of such county has been attached, or in the statement and certificate of the county superintendent of schools of the new county.

Apportionment of gasoline license tax fund.

Section 14. The State Treasurer must, immediately after the first day of February, May, August and November, in each year, beginning with the first day of May, 1921, apportion and distribute all funds then in the "Gasoline License Tax Fund" in the following manner, to-wit: Sixty-six and two-thirds per cent (66 2-3%) thereof shall be distributed to, paid over, and deposited to the credit of the general fund of the State, and thirty-three and one-third per cent (33 1-3%) thereof shall be apportioned between, and distributed and paid over to the several counties of the State, in proportion to the total number of teaching positions, in which teachers were employed for a period of at least six (6) months during the preceding calendar year in each county in all of the public schools of the county, as shown by the statements and certificates of the county superintendent of schools

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of the several counties filed with the State Treasurer, and said State Treasurer must, at the time of making such apportionment, notify the county superintendent of schools of each county, of the amount of such fund which has been apportioned and distributed to his respective county. Within ten (10) days after receiving such notice, each county superintendent of schools must apportion such amount in the following manner, to-wit: Sixty per cent (60%) thereof shall be apportioned to each school district, district high school, and county high school, in proportion to the total number of teaching positions in which teachers were employed for a period of not less than six (6) months during the last calendar year, for which the statement and certificate was last made and filed with the State Treasurer by such county superintendent, in each such school district, district high school, and county high school; thirty-five per cent (35%) thereof shall be apportioned to each school district, district high school, and county high school, in proportion to the aggregate number of day's attendance of all pupils who attended for a period of not less than six (6) weeks during the aforesaid calendar year in each and every school district, district high school, and county high school; and five per cent (5%) thereof to be apportioned to each district high school and county high school in proportion to the aggregate number of years of accredited high school work of each district high school and county high school, during the last preceding calendar year aforesaid, in each such district high school and county high school. Immediately after making such apportionment, the county superintendent of schools must file with the county treasurer a statement and certificate showing the total amount apportioned to each school district, district high school and county high school, and the county treasurer must, immediately after receiving such statement and certificate, deposit to the credit of each district school, district high school, and county high school fund, the amount to which each is entitled as shown by such statement and certificate.

Misdemeanor.

Section 15. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be punished by a fine of not exceeding One Thousand Dollars ($1000), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

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License taxes in addition to other fees.

Section 16. The license taxes herein provided for, shall be in addition to any and all taxes and other fees now required to be paid by all persons subject to the provisions of this Act.

Section 17. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 157.

An Act Fixing and Prescribing the Legal Maximum Rate and Standard of Payment for All Publications Required by Law, or Duly Authorized, to Be Made by or on Behalf of the State of Montana, or Any of Its Institutions, Departments Boards, Bureaus, Commissioners, Officers, Agents or Employees When Acting Within the Scope of Their Authority, Respectively, and Fixing a Basis of Measurement and Providing for an Oath of the Publisher, and Penalties for the Violation of This Act, and Repealing All Acts and Parts of Acts in Conflict with This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Legal maximum rate for state publications.

Section 1. Hereafter in all cases and instances where any publication is required by law, or is duly authorized, to be made, executed or accomplished by or for or on behalf of the State of Montana, or any of the institutions of said state or any of the departments, boards, bureaus, or commissions thereof, or any of the officers, agents or employees of the state when acting within the scope of their lawful authority and for the benefit of the State of Montana, the price for such publication and by whomsoever accomplished shall not exceed the following rate and standard hereby established and prescribed as the maximum rate and standard for all publications as aforesaid;

(a) For every Folio of one hundred (100) words, or any fraction thereof, One Dollar and fifty-cents ($1.50) for the first insertion, and fifty cents (50c) for each subsequent insertion thereof required by law to be made.

(b) For rule and figure work, Two Dollars ($2.00), for every folio of one hundred (100) words or any fraction thereof, for the first insertion, and fifty cents (50c) for each subsequent insertion thereof required by law to be made.

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Section 2. The following basis of measurement for the computation of folios in the various sizes of type is hereby fixed and prescribed as follows:

Twelve (12) lines of six (6) point type; fourteen (14) lines of seven (7) point type; or sixteen (16) lines of eight (8) point type; or eighteen (18) lines of nine (9) point type; or twenty (20) lines of ten point type; in each and every instance, by actual count, carefully verified, shall constitute a folio within the meaning of this Act, when set in a column thirteen (13) ems pica wide.

Lesser rate not prohibited.

Section 3. The prices, rates and standards herein fixed and prescribed are, in each instance, and for every case covered by this Act, the maximum prices, rates and standards, and their prescription and establishment herein shall in no case be taken as prohibiting a lesser or lower rate or price than herein fixed. Every department, institution, officer or agent of the state shall, whenever possible, obtain a lower rate or price than is fixed herein, the equivalent of the minimum rate mentioned in Section 4 hereof.

Publisher's affidavit.

Section 4. The State Board of Examiners shall not allow or approve for payment any claim against the State of Montana by any publisher or printer, natural, corporate or quasi-corporate, nor shall the State Auditor draw his warrant for the payment of any such claim against the State of Montana, for legal advertising or any of the publications covered by this Act, in the event there is not attached to said claim the affidavit of the publisher or printer (in the case of corporations or quasi-corporations by the business or advertising manager thereof) properly executed, setting forth that the price or rate charged the State of Montana for the publication for which claim is made, is not in excess of the minimum rate charged any other advertiser for publication or advertisement set in the same sized type and published for the same number of insertions. And it is hereby declared to be unlawful to make any claim against or to charge or attempt to charge, the State of Montana for any publication in excess of the minimum going rate charged any other advertiser for the same publication, set in the same sized type and published for the same number of insertions.

Penalty for violation of act.

Section 5. Any person, or any corporation or any firm, or any quasi-corporation, who shall violate any provision of this Act, or swear falsely hereunder, or charge

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or attempt to charge the State of Montana in excess of the prices and rates herein fixed, or in any manner circumvent or attempt to circumvent this Act, or aid or abet any other person, firm, corporation or quasi-corporation in offense against this Act, shall be guilty of a misdemeanor, and shall on conviction for the first offense be fined not more than One Hundred Dollars ($100.00) or be imprisoned in the County jail for not more than three (3) months, or both such fine and imprisonment, in the discretion of the court, and shall on conviction for each subsequent offense be fined not more than Three Hundred Dollars ($300.00) or be imprisoned in the county jail for not more than six (6) months, or both such fine and imprisonment in the discretion of the court.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 158.

An Act to Amend Section 48 Chapter 146 Acts of Eleventh Legislative Assembly of the State of Montana Entitled: "An Act to Provide for the Creation, Organization, Government and Extension of Irrigation Districts; to Prescribe the Rights, Powers and Duties Thereof; to Provide for the Acquisition, Either by Construction, Purchase or Otherwise, and for the Maintenance and Control Thereby of Works, Water, Property and Rights for the Irrigation of Lands Within and Comprising Such Districts, and to Provide for the Payment Therefor and for the Expense of Such District;" and to Extend and Apply the Provisions of This Act to Irrigation Districts of the State Heretofore Organized or in Process of Organization Under Existing Laws; and to Repeal, with Certain Reservations, the Provisions of Section 2309 to 2402 Both Inclusive of Title X, Part III, of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 48 of Chapter 146, Laws 1909.

Section 1. That Section 48 of an Act entitled: "An Act to provide for the creation, organization, government

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and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition, either by construction, purchase or otherwise, and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expense of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of Sections 2309 to 2402 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907, be, and the same is hereby amended so as to read as follows:

"Section 48. All Lands Chargeable Alike. All lands in each irrigation district, except such lands as have been included within such district on account of the exchange or substitution of water, under the provisions of Section 36 of this Act, shall pay at the same rate for all purposes for which said lands are charged; and except that whenever water used for the irrigation of any lands within an irrigation district shall be obtained by pumping to different elevations, the cost of maintenance, operation and pumping to each separate elevation shall be apportioned and levied upon the lands lying under the ditch or ditches running from that particular elevation, in such manner as may be determined fair and equitable by the Board of Commissioners after considering the facts in each case. Such apportionment shall be made by the Board of Commissioners and included in the assessment as mentioned in Section 49 of said Chapter 146 each year. The amount of such assessment for the maintenance, operation and pumping of water to each assessment to separate elevations, whenever there are different elevations, shall be determined by the Board of Commissioners in such manner, and upon such notice to the persons interested in said district, as said Board in its rules and regulations may provide; and provided further, that where contract shall have been made with the United States, the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with the Federal Reclamation Laws and the public notices, orders and regulations issued thereunder, and in compliance with any contracts made by the United States with the owners of said lands; and in compliance

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further, with the contract between the districts and the United States; and in case of lands having appurtenant thereto a partial water right or partial rights in a system of irrigation other than that of the districts, the amounts payable shall be equitably apportioned."

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 159.

An Act Requiring Railway and Railroad Companies to Reimburse Employees for Property Losses Sustained by Moving Terminals or Division Points.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of railroads to compensate employees for damages by reason of removal of division points.

Section 1. That when any railroad or railway company operating its line of road in, into, or through, the State of Montana, shall move any of its division points or terminals, it shall be liable to any employee of such railroad or railway company for any damage sustained by such employee by reason of any decrease in value of any real property actually occupied by such employee as his place of residence, which decrease in value shall be caused by reason of the removal of such division point or terminal, provided such employee shall have in such property so damaged, an estate of freehold. Such damages shall be collectible in any court of competent jurisdiction.

Proviso—Notice.

Section 2. Provided, that when any railroad or railway company in good faith determines upon a change or removal of any division point or terminal, and in good faith posts prominently about its station house, shops and yards, a statement of its intention so to do, in such manner as to give reasonable notice thereof to such employee, it shall not be liable as hereinbefore provided for any decrease in value of any interest in any property purchased after the time of such posting, provided that such division point or terminal shall be changed or removed within six months after the date of such posting.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved March 5, 1921.

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CHAPTER 160.

An Act to Amend Sections 15, 16, 19, 20, 21, 22 and 30 of Chapter 120 of the Session Laws of 1911, as Amended by the Sixteenth Legislative Assembly, Relating to the Examining Board for the Purpose of Examining Applicants for Coal Mine Inspector, Coal Mine Foreman, and Coal Mine Examiner, and Repealing All Acts, and Parts of Acts, in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 15, Chapter 120, Laws 1911.

Section 1. That Section 15 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, as amended by the Legislative Assembly of 1907, be and the same is hereby amended to read as follows:

Appointment of Board of Examiners of Coal Mine Inspectors.

"Section 15. The Industrial Accident Board of the State shall within sixty days after the approval of this Act, upon the recommendation of the coal miners of the State, appoint one practical coal miner, who shall be a certified mine foreman, and actively employed in coal mining in the State of Montana; one mine manager or superintendent who shall be recommended to the Industrial Accident Board by a majority of the coal operators of the State of Montana, who with the State Coal Mine Inspector, shall constitute a Board of Examiners to pass upon the qualifications of all applicants for the position of State Coal Mine Inspector, Mine Foreman and Mine Examiner for the State of Montana. They shall hold office for four (4) years and until their successors, appointed in the same manner, are appointed and qualified. Vacancies upon the said Board of Examiners shall be filled by the Industrial Accident Board, in accordance with the intent and provisions of this Act."

Amending Section 16, Chapter 120, Laws 1911.

Section 2. That Section 16 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby, amended to read as follows:

Examinations how conducted.

"Section 16. It shall be the duty of the said Board to examine into the qualifications of all applicants for the appointment to the position of State Coal Mine Inspector, and applicants for the examination for Mine Foreman and Mine Examiner of the State of Montana, by conducting a thorough examination as to their knowledge of mine workings, ventilation, gases, fire damp, ma-

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chinery and actual experience in underground coal mining, and general worthiness of each applicant. The examination for applicants for State Coal Mine Inspector shall be in writing, and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty (30) years; has had at least ten (10) years' experience in underground coal mining in the United States, and at least one year's experience in underground coal mining in the State of Montana; and the manuscript and other papers of all applicants, together with the tally sheet and the solution of each question as given by the Examining Board, shall be filed with the Industrial Accident Board as public documents, but such applicant shall undergo an oral examination pertaining to explosive gases and safety lamps. The Board of Examiners shall file with the Industrial Accident Board the names of all persons who shall have successfully passed the examination. From those so named the Industrial Accident Board shall select one person to be State Coal Inspector, but no man shall be eligible for the appointment as State Coal Mine Inspector who has any pecuniary interest in any coal mines, either directly or indirectly, as owner, lessee or employer or otherwise.

Eligibility of State Coal Mine Inspector.

(a) The examination for Mine Foreman shall consist of oral and written questions, on theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. The Board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of Mine Foreman, but such certificates shall be granted only to persons of twenty-three (23) years of age or over, of good, moral character, citizens of the United States and residents of the State of Montana, and with at least five years' practical experience as a coal miner.

Scope of Examination.

Certificate of competency.

(b) Persons seeking certificates of competency as Mine Examiner or fire boss must produce evidence, satisfactory to the Board, that they are citizens of the United States, residents of the State of Montana; have had at least five years' practical experience as a coal miner; at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit to

Requisites for certificate.

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and satisfactorily pass, an examination as to their experience in mines generating dangerous and explosive gases; their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp. Manuscripts and other papers, of all the applicants for the position of Mine Foreman, and Mine Examiner, together with the tally sheets and the solution of each question as given by the Examining Board, shall be filed with the Industrial Accident Board as public documents. All papers and blanks, blank books and stationery used at the examination, must be furnished by the Industrial Accident Board and each candidate for examination for the position of State Coal Mine Inspector, Mine Foreman and Mine Examiner shall be given such questions, as are required, in writing, and each question shall be on a separate paper. Candidate must return such papers to the Board, with answers to questions thereon, attested by his signature.

Papers how furnished and filed.

Procedure to revoke certificates of competency.

(c) When any person having been granted a Certificate of Competency by the State of Montana, to act as Mine Foreman, Fire Boss or Mine Examiner, is charged with gross, or criminal carelessness, or intemperance, while in the performance of his duties, it shall be the duty of the State Coal Mine Inspector to make a thorough investigation of the charge, and upon satisfactory proof of such charge, to revoke said Certificate of Competency; provided, that such person whose certificate has been so revoked may appeal from such action of the State Coal Mine Inspector, to the State Board of Coal Mine Examiners, but such revocation shall continue until the State Board of Coal Mine Exminers, as provided for in this Act, shall otherwise determine."

Amending Section 19, Chapter 120, Laws 1911.

Section 3. That Section 19 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Vacancies how filled.

"Section 19. As often as vacancies occur in the office of the State Coal Mine Inspector, caused either by death, resignation, removal or malfeasance or misfeasance, as provided for in Section 14 of this Act, or as otherwise determined as with other officers of the State. the Industrial Accident Board shall fill the same by appointment for the unexpired term, by selecting a person whose

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name is on file in the department of the Industrial Accident Board as provided for in Section 16 of this Act."

Amending Section 20, Chapter 120, Laws 1911.

Section 4. That Section 20 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby, amended to read as follows:

Oath and meetings of board.

"Section 20. The Board of Examiners appointed under this Act shall each take the Constitutional Oath before some person duly authorized by law to administer an oath.

The Board shall meet at the call of the State Coal Mine Inspector, for the purpose of examining applicants as provided for in Section 15 of this Act, on the second Monday in June of each year, in the city of Billings, in the county court house, and on the third Monday in June of each year, in the city of Great Falls in the county court house. Public notice of meetings of the Board for the purpose of holding examinations, shall be given by the Board, by posting of notices in the post office and at the coal mines in the several coal mining towns throughout the State, at least fifteen days previous to the examination, and the publication in at least one paper in the county wherein coal mines are located, two consecutive weeks previous to the holding of examination.

Notice of holding examinations.

No person shall be certified as competent whose average per cent shall be less than seventy-five per cent (75%) and his certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the Examining Board. The Examining Board shall, immediately after the examination furnish to each person who comes before it to be examined, a copy of all questions, whether oral or written, which were given at the examination, which shall be marked solved right, imperfect or wrong, as the case may be, together with a certificate of competency to each candidate who shall have at least seventy-five per cent (75%)."

Percentage necessary on examination.

Amending Section 21, Chapter 120, Laws 1911.

Section 5. That Section 21 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Holding of examination.

"Section 21. The Board shall then proceed to examination of those who may present themselves as candidates for examination as provided for in Section 15 of this Act, and who shall have complied with the require-

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ments necessary to entitle such applicant to be examined as provided for in Section 16 of this Act."

Amending Section 22, Chapter 120, Laws 1911.

Section 6. That Section 22 of Chapter 120 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Compensation of members of Board.

"Section 22. The members of the Examining Board, except the State Coal Mine Inspector, shall receive as a compensation the sum of Ten Dollars ($10.00) each day, for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the Board shall be paid upon vouchers duly sworn to by each member of the said Board and approved and ordered by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrants on the State Treasurer for the amounts thus shown to be due, payable out of any money in the State Treasury, not otherwise appropriated."

Amending Section 30, Chapter 120, Laws 1911.

Section 7. That Section 30 of Chapter 120 of the Laws of the Twelfth Legislative Assembly of the State of Montana of 1911, be and the same is hereby amended to read as follows:

Certificates of qualification how and to whom granted.

"Section 30. Certificate of Qualification to State Coal Mine Inspector, Mine Foreman and Mine Examiner shall be granted by the Board of Examiners herein provided for, to each applicant who shall have passed a successful examination. The certificate shall be in a manner and form as shall be prescribed by the Industrial Accident Board, who shall keep a record in their department of all such certificates granted. Each certificate shall contain the full name and age and birthplace of applicant, and also the length or nature of his previous service in coal mines."

Section 8. All acts and parts of acts, in conflict herewith, are hereby repealed.

Section 9. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 161.

An Act Defining Duties of Cities or Towns and Their Officers or Agents in Case Livestock or Domestic Animals of Any Kind Are Impounded, Restrained or

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Seized, by Such City or Town, and Defining the Duties of the Secretary of Montana Livestock Commission in Such Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Notice to be given owners of impounded live stock.

Section 1. That hereafter, when any livestock or domestic animals of any kind are impounded, seized, restrained or held by any city or town, or its officers or agents, it shall be the duty of such city or town, its officers or agents, to give notice to the owner of such livestock or domestic animals so impounded, seized, restrained or held by such city or town, if the owner is known, in the manner hereinafter provided.

Contents of notice.

Section 2. Said notice shall be in writing, and shall give the number, description, marks and brands of such stock, when impounded, seized, restrained or held, with the reasons therefor, together with the amount of charges, fees and fines, if any, for which said stock is being held, and what disposition will be made of said stock if said charges, fees and fines are not paid, and when and where such disposition shall be made.

Service of notice.

Section 3. If such owner be known, and if his post office address shall be known as hereinbefore specified, such notice shall be served upon him or her personally.

Service on secretary of Live Stock Commission.

Section 4. If such owner be unknown or if such owner is known but his post-office address is unknown, such notice shall be served upon the Secretary of the Montana Livestock Commission.

Service how made.

Section 5. Service of such notice may be made personally or by registered mail, postage prepaid, properly addressed and placed in the United States Post-office, and at least eight (8) days fixed for the disposition of said stock.

Brands to be ascertained.

Section 6. It shall be the duty of such city or town and its officers or agents to use reasonable diligence to ascertain any and all marks and brands on such stock, and in case such animals are not branded or marked, or the brands or marks are mutilated or undeterminable, such facts shall be noted in said notice.

Secretary of Live Stock Commission to find owner.

Section 7. It is hereby made the duty of the Secretary of the Montana Livestock Commission, upon service upon him of such notice, to ascertain the owner of such stock, if possible, and when the owner is ascertained, to immediately furnish such owner with the information contained in said notice, and to notify the said city or town,

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its officers or agents, of the name and post-office address of such owner.

Provisions of Act mandatory.

Section 8. The provisions hereof are mandatory and the owner of such livestock will not lose title or right of possession to his said stock unless the provisions hereof are strictly complied with.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 162.

An Act Providing for the Payment of Equalized Compensation to Each Soldier Who Served in the Military or Naval Forces of the United States During the War Between the United States and the German Empire and Its Allies Between the Sixth Day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred and Eighteen; Authorizing the State of Montana to Become Indebted in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which Said State Is Now Obligated; Providing for the Issuance and Sale of Bonds of and in the Name of the State of Montana in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) to Acquire Funds for the Payment of Said Equalized Compensation, Prescribing the Form of Such Bond; Providing for the Creation of a Fund to Pay the Principal and Interest of Said Bonds by Levying a Sufficient Annual Tax to Pay the Principal and Interest Accruing Thereon; Making an Appropriation; Providing Penalties; Providing for the Submission to the Qualified Electors of the State of Montana at the Next General or Special Election the Question of the Issuance of Such Bonds and Describing the Form of the Ballots to Be Used and the Duties of the State Board of Examiners Relative to the Issuance of Such Bonds and the Duties of the Secretary of the State of Montana Relative to the Submission of Said Question to the Qualified Electors of Said State.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the State of Montana, and in recognition of the splendid services of Montana men in the war between the United States and the German Empire and its allies, there shall be paid to each person who was regularly called, enlisted, drafted, inducted or commissioned and who served on active duty in the Army, Navy or Marine Corps of the United States between the sixth day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred Eighteen for a period longer than two months; and to each person who, being a citizen of the United States at the time of entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the war with the central allied powers between the sixth day of April, Nineteen Hundred Seventeen and the eleventh day of November, Nineteen Hundred Eighteen, for a period longer than two months; and at the time of his call, enlistment, induction, commission or service, was a bona fide resident of the State of Montana, the sum of Ten Dollars ($10.00) for each month or major fraction thereof that such person was in active service, not to exceed however, a total sum of Two Hundred Dollars ($200.00); provided, that persons who have received extra compensation from any other state, or nation other than the United States for such active service shall not be entitled to compensation under this Act unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this Act and the extra compensation already received from such other state or nation, provided, further, that persons who have received greater compensation than the regular pay of the Army, Navy, or Marine Corps and commutation for quarters and subsistence, shall not be entitled to receive compensation under this Act unless the amount of the extra compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this Act and such extra compensation. In case of the death of any such person while in such service an equal amount shall be paid to his surviving widow, if not remarried at the time com-

Bonus paid to whom.

Amount of bonus.

Who not entitled to.

Heirs payment to when.

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pensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children, then to his surviving parent or parents if actually dependent upon such deceased person for support. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this Act, shall be entitled to compensation thereunder.

"Person" definition of.

Section 2. The word "person" as used in Section 1 of this Act, shall not include persons who, during the period of their service, refused on conscientious, political or other grounds, to subject themselves to full military discipline or unqualified service, or who while in such service, were separated therefrom under circumstances amounting to a dishonorable discharge and who have not subsequently been officially restored to an honorable status, and such person shall not be entitled to the benefits of this Act.

Disbursements, how made.

Section 3. All disbursements required by this Act for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the State Auditor, which certificate shall be duly verified by the

Certificate.

claimant under oath and shall set forth the name, residence at the time of entry into the service, date of enlistment, induction or commission, date of discharge or release from active service, if the claimant is not on active duty, a statement that the claimant during the period for which compensation is allowed did not refuse to subject himself to full military discipline and unqualified service and that he has not been separated from the service under circumstances amounting to a dishonorable discharge, and such further information as the State Auditor may require. Such certificate shall be

Discharge.

presented to the State Auditor or his representative together with an honorable discharge or release from active service, or in case of its loss a properly authenticated record of service, or in the event that claimant is still in the service a proper authenticated record of all active

Active service, when in.

service performed by claimant, or if the same be presented by the widow, child or parents of a deceased veteran, then with the proper evidence of death, together with a properly authenticated record of service, and the State Auditor shall endorse upon such discharge, release or record of active service was made the basis of the application, and shall return such discharge or release

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or record of active service to the claimant and shall forthwith draw his warrant in the name of the claimant upon the Veterans' Compensation Fund for an amount equal to Ten Dollars ($10.00) for each and every month of active service, or major fraction thereof, subsequent to the sixth day of April, Nineteen Hundred Seventeen, not exceeding however a total of Two Hundred Dollars ($200.00), and the State Treasurer shall pay such warrants from the Veterans' Compensation Fund.

Application by widow, etc.

In cases where application for compensation is made by the widow, children or parents of a deceased veteran, such person shall furnish the same information as though the application were made by the deceased veteran, and the State Auditor shall prepare an appropriate form of certificate to cover such cases. Compensation allowed to the children of deceased veterans shall be paid to the guardians of such children, which guardian if appointed by the courts of this state, shall serve without compensation and in the discretion of the court without bond, and it shall be the duty of every county attorney in this state to appear in the courts or render any other necessary legal assistance in behalf of such children in so far as the provisions of this Act are concerned, without compensation and no public officer shall collect any fees in any proceeding brought in behalf of such children to secure compensation under this Act.

Guardians of children.

Fraud prevention of.

The State Auditor is empowered to make such additional reasonable requirements from applicants as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Certificate, furnished free.

Section 4. The State Auditor shall furnish free of charge, upon application therefor, the necessary form of certificate to all persons entitled thereto, and may establish at different points within the State of Montana offices at which there shall be kept on file for the use of persons covered by this Act, a sufficient number of forms of certificate so that there may be no delay in the payment of this compensation. The State Auditor may authorize the county auditor or county clerk, or both, of any county of the state to act for him in receiving applications under the provisions of this Act, and shall furnish such person with the proper certificates to enable him to accept such application. The State Auditor is hereby authorized and directed to procure such printing and office supplies and equipment, and to employ such

County officers may act for State Auditor.

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Expense for administering act.

persons as may be necessary in order to properly carry out the provisions of this Act; and all expenses incurred by him in the administration of this Act shall be paid by warrants drawn upon the Veterans' Compensation Fund.

Adjutant General to assist Auditor.

The Adjutant General shall advise with and assist the State Auditor in the performance of the duties of the Auditor under this Act.

Board of Examiners to issue bonds.

Section 5. For the purpose of providing means for the payment of compensation hereunder and for paying the expenses of administration, the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue, from time to time as may be required for the purpose of this Act, bonds of, and in the name of, the State of Montana, to and in the amount

Amount of issue.

of the sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) in excess of the constitutional limitation of indebtedness of the State of Montana, and over and above any bonded indebtedness of said state heretofore created or incurred for which said state is now obligated. The bonds provided for in this Act shall be is-

Denominations

sued in denominations of One Thousand Dollars ($1,000.00) each, and shall bear interest at a rate not ex-

Interest.

ceeding five and one-half per cent (5 1/2%) per annum, payable semi-annually on the first days of January and July of each year at the office of the State Treasurer of the State of Montana, or at some bank in a city outside of the State of Montana designated by the State Treasurer; such bonds shall be dated on the first day of January or the first day of July and shall become due and

Term of bonds.

payable twenty (20) years from their date and be redeemable at the option of the State Board of Examiners at any time after ten (10) years from their date at any interest paying period. The bonds herein referred to

Form of bonds.

shall be in such form as may be prescribed by the Attorney General and approved by the State Board of Examiners, and shall be signed by the members of said board and issued under the great seal of the State of Montana, and shall be registered in the offie of the State Treasurer.

Interest coupons.

Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of the State Board of Examiners, and the signing of said coupons with said facsimile signature shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

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Sale of, how made.

The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interests of the State in carrying out the provisions of this Act; provided, that no bond shall be disposed of for less than its par value.

Not for less than par.

Legal investment.

Bonds issued under the provisions of this Act shall be a legal investment for any of the funds of the State.

Section 6. The money arising from the sale of each issue of bonds shall be deposited in the State Treasury to the credit of a special fund to be known as the "Veterans' Compensation Fund" which shall be used for the payment of the compensation provided in this Act and for paying the expenses of administration thereof. For the purpose of carrying out the provisions of this Act there is hereby appropriated from the Veterans' Compensation Fund the sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) or so much thereof as may be necessary.

"Veterans' Compensation Fund."

Appropriation made.

Section 7. Authority is hereby given to any person who so desires to assign to the Veterans' Welfare Fund the compensation to which he is entitled under this Act and the Veterans' Welfare Commission of the State of Montana is hereby authorized to expend any such money so received for the amelioration of the conditions of residents of this state who are suffering from physical disability incurred in the military or naval services of the United States at any time between the sixth day of April, Nineteen Hundred and Seventeen, and the date when they were honorably separated or discharged from the service.

Assigned compensation.

How to be expended.

Section 8. All payments or allowances made under this Act shall be exempt from all taxation and from levy and sale on execution.

Exemptions from taxation and execution.

Section 9. That there shall be levied annually a tax not exceeding one-half mill on the dollar on all property in the State of Montana, subject to taxation, which said tax when collected by the County Treasurers of the counties of the State of Montana shall be by them accounted for and paid into the State Treasury of the State of Montana and to be by the State Treasurer placed in and credited to a fund to be known as the "Veterans' Compensation Bond Retirement Fund" and which fund shall be used exclusively for the payment of the principal and interest accruing on said bonds.

Tax levy.

Collection of.

"Bond Retirement Fund."

Section 10. No charge made by any agent, notary pub-

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lic or attorney for a service in connection with obtaining the allowance as provided for by this Act shall be recognized by the state and any person who for a consideration discounts or attempts to discount, or for a consideration advances money upon any certificate or certificates issued pursuant to the terms of this Act, shall be guilty of a gross misdemeanor.

Discount prohibited.

Misdemeanor.

Section 11. Any person, who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates provided for by this Act or who with intent to defraud, presents to the State Auditor, or to any other officer of the state, any certificate for the purpose of obtaining funds provided for by this Act which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this Act, shall be guilty of a felony.

False representations.

Felony.

Section 12. The legislature may provide additional means for raising moneys for the payment of the interest and principal of said bonds and this Act shall not be deemed to provide an exclusive method for such payment.

Additional means to raise money.

Section 13. If any section, subdivision, sentence or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Part of Act unconstitutional, effect of.

Section 14. This Act shall be submitted to the people of the State of Montana for their approval or rejection at the next election held in the State of Montana, whether such general election be a special election or the general election provided by law, in accordance with Article V, Section 1 of the Constitution of the State of Montana. Separate ballots shall be used at such special or general election which shall have printed thereon the words: "For An Act Entitled: 'An Act Providing for the Payment of Equalized Compensation to Each Soldier Who Served in the Military or Naval Forces of the United States During the War Between the United States and the German Empire and Its Allies Between the Sixth Day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred and Eighteen; Authorizing the State of Montana to Become Indebted in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created

Submitted to people.

Ballots.

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and for Which Said State Is Now Obligated; Providing for the Issuance and Sale of Bonds of and in the Name of the State of Montana in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) to Acquire Funds for the Payment of Said Equalized Compensation, Etc.,' " and the words "Against An Act Entitled: 'An Act Providing for the Payment of Equalized Compensation to Each Soldier Who Served in the Military or Naval Forces of the United States During the War Between the United States and the German Empire and Its Allies Between the Sixth Day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred and Eighteen; Authorizing the State of Montana to Become Indebted in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) in Excess of the Constitutional Limit Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which Said State Is Now Obligated; Providing for the Issuance and Sale of Bonds of and in the Name of the State of Montana in the Sum of Four Million Five Hundred Thousand Dollars ($4,500,000.00) to Acquire Funds for the Payment of Said Equalized Compensation, Etc.,' " and each elector shall designate a preference for either of the provisions by making an X before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed and determined as provided by the general election laws of the State of Montana.

Making ballots.

Canvass of votes.

Section 15. This Act shall be in full force and effect from and after its passage; provided, the same shall be ratified by a majority vote of the people of the State of Montana voting at the next election whether general or special, held in the State of Montana.

Act effective when.

Approved March 5, 1921.

CHAPTER 163.

An Act to Amend Section 5, of Chapter 205, Session Laws of the Sixteenth Legislative Assembly, the Same Being, "An Act to Provide a Budget System for the Control of All Expenditures of State Money".

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5, of Chapter 205, Session Laws of the Sixteenth Legislative Assembly be, and the same is hereby amended so as to read as follows:

Amending Section 5, Chapter 205, Laws of 1919.

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Appropriations, how made.

"Section 5. The Legislative Assembly shall not appropriate any money out of the State Treasury except in accordance with the following provisions:

Budget, must be by.

(a) Every appropriation bill shall be either a "Budget Bill," or a "Supplementary Appropriation Bill," as hereinafter mentioned.

Submitted when.

(b) Budget.—Within ten days after the convening of the State Legislative Assembly, the State Board of Examiners shall submit to the House of Representatives and to the Senate, a budget which shall contain a statement showing:

Contents.

1. The total revenues and expenditures of the State for the preceding biennial period, and the estimated revenues and expenditures for the succeeding biennial period.

2. The current assets and liabilities, reserves, and surplus or deficit of the state.

3. All debts, and the amount of all moneys in the State Treasury to the credit of each fund.

4. The revenues, expenditures and balances for the preceding biennial period and the estimated revenues and expenditures for the succeeding biennial period; also the amounts which the Board of Examiners recommend, item for item, with columns, showing whether the recommended allowances are equal to, above or below the amounts of the preceding biennial period, for each office or department, with explanatory statements from each office or department, showing their reasons for any requested increase, and statements from the Board of Examiners giving their reasons for recommending the allowances or disallowances.. Such budget shall be printed with the recommendations and reasons for recommendations, and the record of the vote upon such recommendations, where such vote is not unanimous.

Two provisions.

(c) The budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the

First part.

appropriations for each of the two ensuing fiscal years: (1) For the Legislative Assembly showing the amounts necessary to pay the mileage and per diem of each member and officers and attaches, and the several items for necessary incidental expenses; (2) For the Executive Department, as provided by law; (3) For the Judiciary Department, as certified to by the Clerk of the Supreme Court, herein provided, and as provided by law; (4) To pay and discharge the principal and interest of

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any bonded indebtedness of the State of Montana; (5) For the salaries payable by the State under the Constitution and laws of the State; (6) For the establishment and maintenance throughout the State of a thorough and efficient system of public schools, so far as the same may be necessary, in conformity with the Constitution and laws of the State; (7) For such other purposes as are set forth in the Constitution of the State.

Second part.

(d) The Second Part of the budget shall be designated "General Appropriations", and shall include all other estimates and appropriations.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 164.

An Act Requiring Publication by County Superintendents of Schools of an Annual Report of the Financial Conditions and Transactions of School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Financial statement of schools, when.

Section 1. It shall hereafter be the duty of all county superintendents of schools to publish annually within thirty (30) days of the close of the school year a statement of the financial conditions and transactions of all school districts in the county; said report shall be published once in some newspaper of general circulation printed and published in the county, and shall contain the following information.

Publication and contents.

First.—A statement of all moneys received by such school district in the county, and from what source derived.

Second.—A summary of all the moneys paid out, in each of the school districts of the county, showing the total amount expended in each district for salaries of teachers, for maintenance of schools, for repairs, new equipment, buildings, improvements and any other miscellaneous expense.

School boards to furnish information.

Section 2. It shall be the duty of all boards of school trustees to furnish to the county superintendent of schools of their county at such times and in such form

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as may be required by said county superintendents, the information specified in the preceding section with reference to their several school districts.

Expense of report, how paid.

Section 3. The cost of the publication herein required to be made shall be borne by the county and paid out of the general fund thereof.

Failure to comply with Act.

Section 4. The failure to comply with the requirements of this Act on the part of any officer charged with the performance of any duty hereunder, shall constitute a misdemeanor and be punishable accordingly.

Misdemeanor.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 165.

"An Act to Amend Section 3358 Revised Codes of Montana 1907 Relating to Annual Tax Levy for Incorporated Cities and Towns as Amended by Chapter 1 Session Laws 1919 and by Chapter 9 Session Laws Extraordinary Session 1919."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3358, Revised Codes, as amended by Ch. 9, Extra. Session Laws of 1919.

Section 1. That Chapter 3358, Revised Codes 1907, as the same was amended by Chapter 1, Session Laws 1919 and by Chapter 9, Session Laws Extraordinary Session 1919, be, and the same is hereby amended so as to read as follows:

Date for annual tax levy.

"Section 3358 Annual Tax Levy. The council must, on or before the fifteenth day of September of each year, by resolution, determine the amount of city or town taxes for all purposes, to be levied and assessed on the taxable property in the city or town for the current fiscal year, and the city clerk must at once certify to the county clerk a copy of such resolution, and the county treasurer must collect the taxes as in this Article provided; provided, that in cities where the council has provided by ordinance for the collection of their taxes by the city treasurer, the city clerk must certify a copy of such resolution to the city treasurer."

Collection by county treasurer.

City treasurer to collect, when.

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 166.

An Act to Amend Section 27 of Chapter 89, Acts of Thirteenth Legislative Assembly, Relating to the Collection of Special Assessments and Taxes for Special Improvements Within Incorporated Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 27, Chapter 8 of Laws of 1913.

Section 1. That Section 27 of Chapter 89, Acts of Thirteenth Legislative Assembly be, and the same is hereby amended so as to read as follows:

"Section 27. It shall be the duty of the city or town treasurer of every city or town whose taxes for general, municipal and administrative purposes are certified to and collected by the county treasurer in accordance with the provisions of Section 3358, Revised Codes of Montana 1907, immediately after the fifteenth day of September of each year, and at the same time the copy of resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk as required by said Section 3358, to certify to the county clerk of the county in which such city or town is situated all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, and the county treasurer must collect the same in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him.

City treasurer to certify special assessments.

Collection by county treasurer.

In every city or town which shall provide by ordinance for the collection of its taxes for general, municipal and administrative purposes by its city or town treasurer, such city or town treasurer shall collect all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him; and all of the provisions of Section 3357 of the Revised Codes of Montana of 1907 shall apply to the collection of such special taxes and assessments in the same manner as such provisions apply to the collection

City treasurer to collect, when.

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Delinquent payments.

of other city or town taxes. When one payment becomes delinquent all payments shall, at the option of the city or town council, by appropriate resolutions duly adopted, become delinquent, and the whole property shall be sold the same as other property is sold for taxes".

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 167.

An Act to Amend Section 1, of Chapter 23 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the Power of Cities and Towns to Provide Band Concerts for Entertainment Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1, Chapter 23, Laws of 1917.

Section 1. That Section 1, of Chapter 23 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Public band concerts.

"Section 1. Cities of the first, second and third class, as defined by the laws of the State of Montana, and incorporated towns may, at their discretion provide public band concerts for the entertainment of their people, and

Payment for.

to pay therefor out of any moneys in a fund to be provided in accordance with the provisions of Section 2 of this Act; said band concert entertainments to be given at a

Where given.

place or places and at a time or times to be designated by the city council; provided, however, that said band concerts shall be given not more than twice each week;

Local bands, must be by.

provided further, that no band shall be employed in connection with the giving of said band concerts, except one having its headquarters in the said city or town in which said band concert is given."

Tax levy for.

Section 2. For the purpose of providing band concerts as in this Act provided, the council or other governing body in any town or city of the first, second or third class, or any incorporated town, may assess and levy in addition to the levy for general municipal or administra-

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tive purposes, not exceeding one mill on a dollar on the assessed value of the taxable property of the said city or town.

Section 3. All acts, and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 168.

An Act to Designate and Provide for the Destruction and Eradication of Canada Thistles, Quack Grass and the Appointment by County Commissioners and City Councils of a Weed Commissioner, Defining His Duties, Fixing His Compensation and Providing Penalties for Violations of the Provisions of Said Act, and to Repeal Sections 8871, 8872, 8873 and 8874 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Weeds a common nuisance, what.

Section 1. Each of the plants mentioned in this section is hereby declared to be a noxious weed and a common nuisance. No person, co-partnership, corporation or company owning, occupying or controlling land shall permit any Canada thistle or quack grass to go to bloom thereon.

Canada thistle.

Weeds on highway.

Section 2. For all purposes of this Act, the one-half of any road or street lying next to the lands abutting thereon shall be considered part of such land, and no person owning, occupying or controlling land shall permit any noxious weed to bloom or remain thereon or to produce seed on such land or such adjoining one-half of the highway.

Petition for weed commissioner.

Section 3. The Board of County Commissioners of each county and the city council of each municipal corporation are hereby authorized and upon presentation to them of a petition signed by one hundred (100) freeholders of the county or twenty-five (25) freeholders of the municipal corporation, as the case may be, may employ a suitable and competent person as weed commissioner for the period between the first day of June and the 15th day of September of each year and to provide for his compensation at not to exceed the sum paid to road supervisors or street commissioners, and it shall be the duty of said weed commissioner when so appointed to supervise the destruction of noxious weeds, and he

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is hereby empowered to give notices provided for in this Act, and cause the provisions hereof to be enforced.

Notice to owner on complaint.

Section 4. Where the weed commissioner has knowledge, or on written complaint made to any such weed commissioner, that noxious weeds described in this Act are growing or standing upon the lands within his jurisdiction, in violation of the law, he shall forthwith inspect the premises and if the complaint be well founded, he shall cause written notice to be served on the person permitting the same, directing him to comply with the provisions of this Act in respect thereto within six (6) days after such service.

Service of notice.

Section 5. All notices herein provided for may be served by any citizen of the county or municipal corporation in which the land is situated; such service shall be upon the occupant, if any there be, otherwise upon the owner or person in charge of the land and shall be personal and by copy whenever practical. If there be no person within the county upon whom service can be made, of which the affidavit of the person serving the notice shall be prima facie evidence, the subsequent procedure shall be the same as though service had been had and the notice ignored.

Expense of eradication taxed to owner, how.

Section 6. If the notice be not obeyed within six (6) days, the weed commissioner of the county or municipal corporation, as the case may be, shall forthwith destroy such weeds and make report thereof to the county clerk or to the city clerk in cities where taxes are collected by the city treasurer, with a verified, itemized account of his services and expenses in so doing, and a description of the lands involved, and shall include in said account his own wages for the time of his necessary employment as well as for men and teams employed, at a rate not to exceed the rates paid for labor on roads or streets. Such expense shall be paid by the county or municipal corporation out of the road or street funds and unless the sum be repaid by the owner or occupant before September 1st next ensuing, the county clerk, or the city clerk as the case may be, shall certify the amount thereof, with the description of the premises to be charged, and shall extend the same on the assessment list of said county or city as a special tax on said land, but if the land for any reason be exempt from general taxation, the amount of such charge may be recovered of the owner in a civil action with costs.

Expense, how paid.

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Weeds in crop.

Section 7. When noxious weeds are so intermixed with a growing crop that they cannot be eradicated without serious damage to such crop, a written agreement may be made by the owner or occupant with the officer providing for the destruction of weeds upon specified parts of the land and for the proper treatment of the remainder after the crop has matured, and so long as such agreement is performed by such owner or occupant in good faith, he shall be exempt from the penalties of this Act. All officials charged with the enforcement of this Act may go upon the lands infested with noxious weeds, or suspected thereof, for any purpose necessary to such enforcement.

Exemption from Act.

Authority of officials to enforce laws.

Violation of Act.

Section 8. Every person who shall violate any of the provisions of this Act or refuse to comply with any notice given pursuant thereto, and any officer neglecting to perform any official duty imposed upon him thereby shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Three Hundred Dollars ($300.00), or imprisonment in the county jail for not less than five (5) days nor more than three (3) months, or by both such fine and imprisonment. Upon the request of any taxpayer the county attorney shall prosecute any such offender. All fines collected under the provisions of this Act shall be paid into the treasury of the county or municipality in which the offense was committed.

Misdemeanor.

Penalty.

Fines, disposal of.

Repealing clause.

Section 9. Sections 8871, 8872, 8873 and 8874 of the Revised Codes of Montana of 1907 and all acts, and parts of acts, in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after June 1st, 1921.

Approved March 5, 1921.

CHAPTER 169.

An Act to Define the Term "Estray" and to Provide Penalties for the Taking Up, Using or Disposing of Estrays.

Be it enacted by the Legislative Assembly of the State of Montana:

"Estray", definition of.

Section 1. The term "estray" shall mean any mare, gelding, stallion, colt, foal or filly, mule, jack, jennet, cow, ox, steer, bull, stag, heifer or calf, which is running

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at large away from its accustomed range, or any animal as above described, the owner of which cannot with reasonable diligence be found.

Misdemeanor.

Section 2. Any person who shall, for his own use or benefit and without the owner's consent, take into his possession any estray, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Twenty-Five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail not exceeding sixty (60) days, or by both such fine and imprisonment.

Penalty.

Approved March 5, 1921.

CHAPTER 170.

An Act to Amend Section 1796 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1796, Revised Codes.

Section 1. That Section 1796 of the Revised Codes of Montana of 1907 is hereby amended to read as follows:

Stock inspectors, duties and powers.

"Section 1796. Appointment and Powers. The Live-stock Commission may appoint such stock inspectors and detectives as are necessary for the protection of the live-stock interests of the State. Such inspectors and detectives shall take and subscribe the official oath required by law and shall have like powers and authority as are conferred by law upon deputy sheriffs; save they shall not be entitled to the fees or emoluments awarded by law to deputy sheriffs."

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 171.

An Act to Define the Duties of Persons Slaughtering Cattle, and to Repeal Chapter 206 of the Laws of Montana of the Sixteenth Legislative Assembly of 1919, and to Provide Penalties for Violations of This Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

Hides to be retained and exhibited.

Section 1. Every person or persons slaughtering cattle must keep the hides with the ears attached for ten days, and must upon demand being made by any person, exhibit said hide for examination.

Record of cattle slaughtered.

Section 2. All persons, firms and corporations who slaughter, or cause to be slaughtered, cattle for sale or distribution, shall keep a record thereof in a book, which record shall include a description of the marks and brands on each animal slaughtered, the date when slaughtered, whether such animal was raised by the person, firm or corporation slaughtering, or causing it to be slaughtered, and if not, from whom such animal was purchased or received by the person, firm or corporation slaughtering, or causing it to be slaughtered; and a duplicate copy of such record on forms to be supplied by the Livestock Commission shall be by such person, firm or corporation, verified by the oath of such person, firm or corporation, or an agent thereof with knowledge of the facts, and filed with the county clerk of the county wherein such animal is slaughtered, within three (3) days of the day the animal is slaughtered. The records herein provided for shall at all reasonable times be open to the inspection of the public.

Duplicate copies.

Filing of.

License to sell meat.

Section 3. Every person, firm, association or corporation who slaughters and offers for sale, or sells meat in this state, shall first obtain from the county clerk, a license to sell such meat, and shall pay for said license the sum of One Dollar ($1.00), said payment to be made annually in advance, and said license fee when collected, shall be deposited in the general fund of the county. The provisions of this section shall not apply to any person who shall kill beef in good faith for his own use.

Fee for.

Exception.

Misdemeanor.

Penalty.

Section 4. Any person or persons who violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00).

Repealing Chapter 206, Laws of 1919.

Pending actions excepted.

Section 5. Chapter 206 of the Laws of Montana of the Sixteenth Legislative Assembly of 1919, and all acts, and parts of acts, in conflict herewith are hereby repealed, save that no action or proceeding pending, and no penalty incurred under any law hereby repealed, at the time of such repeal, shall be abated hereby, but the same

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may be prosecuted and enforced in all respects as though such law or laws had not been repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 172.

An Act to Amend Section 6449, of the Revised Codes of the State of Montana of 1907, as Amended by Chapter 47, of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Relating to the Time of Commencing Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 6449, Revised Codes as amended by Chapter 47, Laws 1917.

Section 1. That Section 6449, of the Revised Codes of the State of Montana of 1907, as amended by Chapter 47, of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Limitation on commencement of actions.

"Section 6449. Within two years:

1. An action upon a liability created by statute other than a penalty or forfeiture.

2. An action for injury to or for waste or trespass on real or personal property; provided that, when the waste or trespass is committed by reason of underground work upon any mining claim, the cause of action shall not be deemed to have accrued, until the discovery by the aggrieved party of the facts constituting such waste or trespass.

3. An action for taking, detaining or injuring any goods or chattels including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

5. An action for killing or injuring stock by a railroad corporation or company."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 173.

An Act to Amend Section 5755 of the Revised Codes of the State of Montana of 1907, Relating to the Satisfaction of Mortgages.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 5755, Revised Codes.

Section 1. That Section 5755 of the Revised Codes of Montana of 1907 be amended to read as follows:

Satisfaction of mortgage must be made.

"Section 5755. Satisfaction of Mortgage.—Any mortgagee or his personal representative or assignee, as the case may be, after the full performance of the conditions of the mortgage, whether before or after a breach thereof, who shall, for the space of thirty (30) days after being requested, refuse or neglect to execute, acknowledge and deliver to the mortgagor a certificate of discharge or release thereof, shall be liable to the mortgagor, his heirs or assigns, in the sum of One Hundred Dollars ($100.00); and also, for all actual damages occasioned by such neglect or refusal. When such discharge or release is made by the personal representative of the mortgagee, it shall be accompanied by a certified copy of his authority, unless such authority is already of record in the office of the county clerk and recorder where such mortgage is recorded. In case such discharge or release is made by an assignee, it must be accompanied by the assignment of such mortgage, unless such assignment is already of record in the office of the county clerk and recorder where such mortgage is recorded. In the event that such discharge or release is executed by an attorney in fact, such discharge or release shall have attached to it the power of attorney under which it is made, unless such power of attorney is already of record in the office of the county clerk and recorder where such mortgage is recorded. When such discharge or release is executed by the heir or heirs of the mortgagee, such discharge or release must be accompanied by a certified copy of an order or decree of the court of competent jurisdiction, showing such authority, unless such order or decree is already of record in the office of the county clerk and recorder where such mortgage is recorded. Foreign administrators and executors may satisfy mortgages of record in Montana, provided, that the satisfaction of mortgages be accompanied by an authenticated copy of their letters of administration, or letters testamentary, with the certificate of the clerk of the court in which

Penalty.

Satisfaction by personal representative.

By assignee.

By attorney-in-fact.

By heirs of Mortgagee.

By foreign administrators.

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the appointment was made, that the same have not been revoked and are in full force, which certificate and certified copy of letters shall be presented and recorded in connection with the satisfaction of the mortgage. When so presented and recorded, they shall have the same force and effect as if the mortgage was satisfied by the mortgagee."

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed; provided, however, nothing herein contained shall be construed as affecting any cause of action or litigation now pending in any court in the State of Montana.

Pending cause excepted.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 174.

An Act to Change the Boundary Line Between the Counties of Teton and Chouteau; Taking from Said County of Chouteau Certain Territory and Adding the Same to the Said County of Teton; Providing for the Appointment of Commissioners to Adjust Indebtedness; Providing for the Transfer of School Funds and Delinquent Taxes; Providing for the Transcribing and Transfer of Records and the Transfer of Actions Pending in Court; and Providing That Township, School, and Other Officers Within the Territory So Transferred Shall Hold Their Offices for the Balance of Their Terms.

Be it enacted by the Legislative Assembly of the State of Montana:

Boundary between Teton and Chouteau counties changed.

Description.

Section 1. That the boundary line between the Counties of Teton and Chouteau be and the same hereby is changed so that hereafter the said boundary between the said Counties shall be as follows: Commencing at a point on the boundary line between the counties of Chouteau and Cascade where the line between Ranges Two and Three East of the Montana meridian intersects said boundary line; thence running due north to a point where the said line between Ranges Two and Three East of the Montana Meridian intersects the boundary line between the Counties of Chouteau and Pondera, and taking from the said County of Chouteau and adding to and

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making a part of the said County of Teton, all of the following described Territory, to-wit: Township Twenty-three (23), Twenty-four (24); and Twenty-five (25), and, Sections Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36) in Township Twenty-six (26), North of Range One (1), East of the Montana Meridian, and Townships Twenty-three (23), Twenty-four (24), and Twenty-five (25), and Sections Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36) of Township Twenty-six (26) North of Range Two (2) East of the Montana Meridian.

Indebtedness to be apportioned how.

Section 2. That the Governor shall, within fifteen days after the passage and approval of this Act, appoint three persons as a Board of Commissioners, whose duties shall be to meet and apportion the indebtedness between the above described territory and Chouteau County in the manner provided for in Chapter 226 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana; Provided, that the notes or securities covering special relief under Chapter 8 of the Extraordinary Session of 1919 shall not be counted among the assets of the county from which territory is taken under the terms of this Act, but any notes or securities covering loans made in territory so taken may be turned over to such new county and receipt taken for the same, but the amounts so turned over or retained by the old county shall not be counted in the transaction. If, upon the settlement between such territory and the said County of Chouteau, the said territory shall be found to be indebted to said Chouteau County, then such indebtedness shall be assumed and paid by Teton County in the manner provided in said Chapter 226 of the Session Laws of the Sixteenth Legislative Assembly.

Notes and securities, when assets.

Delinquent taxes.

Section 3. That the Treasurer of said Chouteau County shall at the time of the adjustment, as provided in this Act, make out and transmit to the County Commissioners of Teton County a list of all delinquent taxes and amounts of uncollected taxes within the limits of the territory hereinbefore described; provided, that no delinquent taxes due the County of Chouteau shall be con-

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sidered in the adjustment of the indebtedness hereinbefore provided.

Money of school districts to be paid.

Section 4. It is hereby made the duty of the County Treasurer of Chouteau County to transfer and pay over to the County of Teton, on or before the first day of July, 1921, all moneys in said County of Chouteau to the credit of School Districts embraced within the limits of said territory hereby taken from said County of Chouteau, which said moneys so transferred shall be held by the said County of Teton to the credit and for the use of the same school districts as they formerly existed.

Records to be transcribed, payment for.

Section 5. The Board of County Commissioners of Teton County are hereby empowered, and it shall be their duty, to contract with lowest responsible bidder for transcribing and indexing the records of Chouteau County as relate to, or affect, property, or the title thereof, of the above described territory hereby taken from said Chouteau County; and such records when so transcribed and certified, as herein provided shall have the same force and effect as such original records; provided that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, Sheriff's Certificates of sale, liens and original affidavits of registration which may affect or relate to property or persons situate within said above described territory shall be by the County Clerk of Chouteau County delivered to the County Clerk of Teton County and be preserved by the County Clerk of Teton County as permanent files. The County Clerk of Chouteau County shall receive for his services in comparing and certifying to the correctness of the copy of said records, Five Dollars ($5.00) per day while engaged in such labor, which amount shall be paid by Teton County on the completion of said labor.

Compensation to county clerk.

Pending actions transferred.

Section 6. All actions pending in the District Court of Chouteau County for the recovery of the possession of, quieting title to, or for the enforcement of liens upon, or any actions affecting real estate lying within the said territory hereby taken from said Chouteau County, or any other action or special proceeding, shall, on motion of any of the parties thereto, be transferred to the District Court of Teton County, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of said Teton County.

Certain officers to continue.

Section 7. All Township, School and other officers within such territory hereby taken from said Chouteau

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County, shall and may continue, to hold office and exercise the duties pertaining thereto until the expiration of the term for which said officers were elected or appointed.

Section 8. All Acts, and parts of acts, in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 175.

An Act to Amend Section 10, Chapter 130, Session Laws of 1911, Providing for the Licensing of Public Eating Places, Bakeries, Confectioneries, Meat Markets, Canneries, Ice Cream Parlors, Soft Drink Establishments and Bottling Works, and Regulating Fees to Be Charged for Said Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 10, Chapter 130, Laws of 1911.

Section 1. That Section 10, Chapter 130, Session Laws of 1911 be amended to read as follows:

License for cafes, etc.

"Section 10. It shall be unlawful for any person, persons, firm or corporation to conduct any restaurant, cafe, lunch counter, dining car, manufacturing bakery, manufacturing confectionery, meat market, cannery, soda fountain, ice cream parlor, soft drink establishment or bottling works, without having a license issued by the State Board of Health of Montana; provided, that no license shall be required for a dining room, cafe or lunch counter that is operated in connection with and under the same management as a hotel that holds a license from the State Board of Health, or that is subject to the payment of a license fee under the provisions of Chapter 36, Session Laws of 1919, an annual fee of Two Dollars ($2.00) shall be required for each license. Licenses shall be made to expire on the last day of December of the current year in which they are issued. Applications for licenses shall be made on blanks supplied by the State Board of Health. No license shall be issued to any place of business that is conducted in a grossly insanitary manner.

Cafe, etc., of hotel excepted.

Fee for.

Expiration.

If as a result of inspection by an authorized representative of the State Board of Health, it is found that

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Cancellation of license.

any licensed place of business is not conducted within a reasonable degree of compliance with the rules and regulations of the State Board of Health, the license may be cancelled by the Secretary of the State Board of Health; provided, that any licensee whose license is so cancelled shall be entitled to a hearing before the State Board of Health to show cause, if any, why his license should not be cancelled. In such case licensee must make written request to the Secretary of the State Board of Health for a hearing within five days after notice has been received that his license has been cancelled.

Hearing.

Request for hearing.

Fees collected by the State Board of Health for licenses issued shall be transmitted to the State Treasurer and placed to the credit of the General Fund as provided for by law."

Fees, disposal of.

Section 2. This Act shall be in full force and effect on and after its passage and approval, provided that fees for licenses shall not be required until the year beginning January 1, 1922.

Fees due when.

Section 3. All acts and parts of acts in conflict with this Act are hereby repealed.

Approved March 5, 1921.

CHAPTER 176.

An Act to Amend Section 4377 of the Revised Codes of Montana of 1907, Providing for the Power of the Board of Railroad Commissioners to Alter Classifications or Rates of and Concerning Railroads; Providing for a Public Hearing and Publication of Notice Thereof, Before There Shall Be Any Increase or Raise in the Rate of Charge for the Transportation of Freight Within the State of Montana, and Providing for a Hearing on Complaint."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4377, Revised Codes.

Section 1. That Section 4377 of the Revised Codes of Montana, 1907, be, and the same is hereby, amended to read as follows:

Board may alter classification rates.

"Section 4377. Power to Alter Classification or Rate —Hearing Complaint—The said Board shall have the power from time to time to change, alter, amend or abolish any classification or rate established by it when deemed necessary, and such amended, altered or new

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classifications or rates shall be put into effect in the same manner as original classifications or rates. The said Board shall make and establish reasonable rates for the transportation of passengers over each and all of the railroads subject hereto, and shall prescribe rates, tolls, and charges for all other services performed by any railroad subject hereto. The said Board shall not make or establish any increase or raise in the rate of charge for the transportation of freight by any railroad within the State of Montana, unless ten days notice be published in two daily papers, one of which shall be published in the city of Helena, setting forth in said notice that at a certain time and place the Board will proceed to make and establish such increase or raise in the rate of charge for the transportation of freight; and the Board shall at such time and place hold a public hearing thereon, at which time and place the public generally, or any person, firm or corporation, shall be given an opportunity to present such facts, information or statistics as shall be pertinent to the hearing then being held. The said Board must, within forty (40) days after the filing with such Board of a complaint by a shipper, or other person interested, proceed to investigate and determine the justness and reasonableness of any classification, rate, charge, toll, regulation or order made by said Board."

Effective when.

Passenger rates.

Notice of increase published how.

Public hearing.

Investigation on complaint.

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 177.

An Act to Amend Section 1 of Chapter 125 of the Session Laws of the Eleventh Legislative Assembly, Entitled "An Act to Provide for the Assessment of Livestock, Creating a Migratory Stock Fund, and Providing for the Collection and Distribution of Taxes Thereon".

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 125 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Amending Section 1, Chapter 125, Laws of 1909.

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Migratory live stock, assessment of.

"Section 1. All livestock pastured, ranged or grazed or which does pasture, range or graze in any county or counties of the state during any year, other than the county wherein the said livestock is usually kept by the owner thereof on lands claimed by him, to be known as the home county, shall be assessed for taxation, and such tax collected in the county in which it is found at the time fixed by law for the assessment of all property in the state, at the rate of levy of the home county, and it shall be the duty of the owner thereof, or his agent, at the time of the assessment of such livestock, to make and deliver to the assessor of the county where such livestock is found, and to the assessor of the home county, a written statement, under oath, showing the different kinds of such livestock within such county belonging to him or under his charge, with their marks and brands, and showing the full time during the current year that such livestock, and every part, portion and kind thereof, has been and will be, within any county or counties, other than the home county, and such livestock and the owner thereof, shall be liable to the said county or counties for the taxes thereon, as other property is liable, and the taxes thereon shall be apportioned between the home county and such other county or counties as hereinafter provided; provided, however, that the tax on all livestock fed in feeding pens or other enclosures in any county or counties other than the home county of such livestock, shall not be apportioned as provided herein, but shall be paid in full to the county treasurer of the home county of such livestock."

Livestock in pens.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 178.

An Act Regulating the Form, Style and Manner of Computation of State Printing.

Be it enacted by the Legislative Assembly of the State of Montana:

State printing, type.

Section 1. Hereafter in the publication of reports, pamphlets, leaflets, bulletins and similar publications, save as hereinafter expected, to be paid for from State

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funds, no larger body type shall be used than eight-point upon an eight-point body or slug. When desirable to give emphasis a single two point lead may be used between paragraphs, and where sub-heads are employed such sub-heads may be set off by not to exceed two two-point leads above and below. All tabular matter shall be set in six-point upon a six-point body or slug. Running heads shall be set in not larger than twelve-point. Drop folios, or folios at the bottoms of pages, shall not be employed. Folios shall in all cases be placed in the same line with the running heads.

"Rule and figure work," unlawful when.

Section 2. It shall be unlawful to compute as "rule and figure work", at an advanced price over ordinary composition, any tabular or statistical matter not requiring at least three justifications, if set by hand, or three slugs, if set upon linotype or other slug-casting machine.

Short page, how computed.

Short pages shall be computed on the basis of the actual amount of composition on such pages, measured from the top of the running head to the bottom of the last type-set line. If tables of other matter be dropped down from the running head in making up a page, not to exceed three picas of the blank space thus created between the running head and the type matter shall be computed and charged for.

Title pages, how computed.

Section 3. Title pages shall be computed as if set in solid eight-point, measured from the top to the bottom of the type matter. Cuts of an area of five hundred six-point ems, appearing in the text, may be computed as type-set matter; if less than a full page and more than five hundred six-point ems in area, they shall be computed at five hundred ems.

Not applicable to Codes, etc.

The above restrictions shall not apply to the publication of Codes, Session Laws, Legislative printing, briefs or transcripts intended for use in the State or Federal Courts, blanks, posters or similar printed matter.

Section 4. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 5, 1921.

CHAPTER 179.

An Act Regulating the Time Within Which an Action for the Restoration to Office by Any Person Having Been Wrongfully or Illegally Removed or Excluded

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from Office, and Also Regulating the Time Within Which an Action Shall Be Begun to Recover Salary or Other Emoluments of Such Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Action to restore to office, commenced when.

Section 1. That any action for the restoration to office by any person wrongfully or illegally removed or excluded from office shall be instituted within sixty (60) days from the time his cause of action arises, and any suit for the recovery of salary or other emoluments of office shall be instituted within fifteen (15) days after the right to said office shall be finally determined.

For salary, commenced when.

Actions accrued before Act.

Section 2. That any cause of action having heretofore accrued for unpaid salaries or wrongful or illegal removal or suspension from office shall be commenced within sixty (60) days from the approval of this Act, and unless so commenced such action shall be forever barred.

Section 3. All acts, and parts of acts, in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 180.

An Act Providing for a County Bounty on Predatory Animals; Providing the Method of Levying a Tax to Provide for the Same; Providing for the Maximum Amount of Such Bounties, and the Manner of Paying the Same; Providing for the Appointment of Bounty Inspectors Thereunder, and Prescribing Their Duties and Powers; and Providing That This Act Shall Not Interfere with or Repeal Any Part of the Existing Laws of the State Relative to Levying Taxes for and Paying Bounties on Predatory Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Predatory animals.

Tax on livestock to eradicate.

Section 1. Whenever the owners, or agent or agents of such owners, representing fifty-one percent (51%) of the livestock of any county in this State shall present a petition to the board of county commissioners of such county, asking for the levy of a tax upon the livestock of such county for the purpose of paying bounties on predatory animals killed in such county, it shall be the duty of such board of county commissioners to make such levy which shall not exceed ten (10) mills on the dollar

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on the assessed valuation of all livestock in such county, which tax shall be assessed and collected in the same manner as all other state and county taxes. Collection.

Section 2. The petition provided for in Section 1 of this Act shall be signed by not less than fifty-one percent (51%) of the stockowners, of such county as ascertained from the assessment books of such county, and shall recommend to the said board of county commissioners the bounties to be paid on such predatory animals, which shall not exceed the following: On each Wolf or Mountain Lion, One Hundred Dollars ($100.00); on each Wolf Pup or Mountain Lion Kitten, Twenty Dollars ($20.00); on each coyote Five Dollars ($5.00); on each Coyote Pup Two Dollars fifty cents ($2.50). Petition, sufficiency of. Bounties.

Such petition shall be presented not later than the 1st day, of August of each year, and the board of county commissioners on determining the sufficiency of such petition shall make an order granting such petition, which said order shall fix the levy for that year, and the amount of the bounties to be paid for the killing of each such predatory animal, which shall not exceed the amounts recommended in such petition, and appoint not less than ten (10) nor more than twenty (20) stockowners of such county to be Bounty Inspectors under this Act, without compensation, who shall hold their offices for one year. Petition, when to be presented.

Section 3. The tax collected under this Act shall be credited by the county treasurer to a fund to be known as "County Bounty Fund," and shall be paid out by him upon properly drawn warrants issued thereon by the county clerk. "County Bounty Fund."

Section 4. Any person claiming bounty on any predatory animal under this Act shall present the green skin or pelt of such animal, with all four feet attached thereto, to any one of the Bounty Inspectors, provided for in Section 2 of this Act, and shall make an affidavit that such animal was killed within the county where the bounty is claimed, which affidavit shall be corroborated by at least two reputable stockowners of such county to the effect that they know, or have good cause to believe, that such animal was killed within such county. For the purpose of this Act each Bounty Inspector provided for in this Act shall be empowered to administer oaths. The said Bounty Inspector shall endorse upon such affidavit his approval or disapproval of such claim and shall cut Claim for bounty, how presented.

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from such skin or pelt the four feet. The person applying for such bounty shall then present the affidavit with the endorsements thereon to the county auditor, or in counties not having an auditor, to the county clerk who shall attach the same to a claim against said County Bounty Fund and present it to the board of county commissioners for action, the same as any other claim against the county.

Forms.

Section 5. The county clerk shall provide the necessary forms of affidavits and claims for carrying out the provisions of this Act.

Existing laws not affected.

Section 6. Nothing in this Act contained shall be construed as interfering within anyway, or repealing any part of the existing laws of the State relative to the levying of taxes for and paying of the bounties on predatory animals under such State Laws.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 181

An Act to Amend Section 4117 of the Revised Codes of the State of Montana Defining the Method of Ascertaining the Net Value of Life Insurance Policies, and Requiring the Deposit of Securities Therefor, and Providing for the Change or Withdrawal of Securities.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4117, Revised Codes.

Section 1. That Section 4117 of the Revised Codes of the State of Montana be and the same is hereby amended to read as follows:—

Net value to be ascertained.

"Section 4117. As soon as practicable after the filing of the annual statements, the State Auditor shall ascertain the net value of every policy in force in all life insurance companies organized under the laws of this State, according to the standard of valuation adopted by the company. The minimum standard of valuation on all policies issued prior to January 1, 1922, shall be the American Experience Table of Mortality and interest at three and one-half percentum per annum, with preliminary term insurance for the first policy year, and for

Standard of valuation.

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policies issued subsequent to December 31, 1921, shall be the American Experience Table of Mortality with interest at three and one-half percentum per annum, with preliminary term insurance for the first policy year, except as follows: If the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than twenty years from the date of the policy, or under an endowment preliminary term policy, exceeds that charged for life insurance under twenty payment life preliminary term policies of the same company, the reserve thereon at the end of any year, including the first, shall not be less than the reserve on a twenty payment life preliminary term policy issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium reserve sufficient to provide for a pure endowment at the end of the premium payment period, equal to the difference between the value at the end of such priod of such a twenty payment life preliminary term policy and the full net level premium reserve at such time of such a limited payment life or endowment policy. For the purpose of making such valuation he may employ a competent actuary, who shall be paid by the company for which the service is rendered; but the company may make such valuation and it may be received by the State Auditor upon satisfactory proof of its correctness. The net value of all policies in force in any such company being ascertained, the State Auditor shall notify the company of the amount thereof, and within thirty days thereafter such company shall deposit with the State Auditor the amount of the ascertained valuation in the securities specified by the Insurance Laws of this State. No stock company organized under the laws of this State shall be required to make such deposit until the net value of the policies in force, as ascertained by the State Auditor, exceeds the amount deposited by such company as capital stock; provided, that mutual life companies shall deposit with the State Auditor at least one-half of the first annual premium in securities as provided for by the Insurance Laws of this State; provided further, that all companies included in this act shall have the right at any time, with the approval of the State Auditor, to change the securities on deposit by substituting a like amount of the character required in the first instance.

Actuary to be employed.

Deposit with auditor.

Domestic stock companies excepted.

Deposit of mutual life company.

Change of securities.

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Excess may be withdrawn.

If any valuation of the policies in force is less than the amount of securities already on deposit, then the company, in the case of a stock company, may withdraw such excess."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 182.

An Act Defining How Deposits Are to Be Made With the Commissioner of Insurance, of the Securities Required to Be Deposited, and a Penalty for the Violation by the Commissioner of His Duties in Regard Thereto:

Be it enacted by the Legislative Assembly of the State of Montana:

Vouchers for deposit of securities.

Section 1. The Commissioner of Insurance shall give vouchers for all securities deposited with him to the company depositing them. It shall be the duty of the Commissioner, upon the receipt of such securities from any insurance company, to forthwith deposit the same in the

Deposit, how made.

presence of the president or authorized agent of the company in a strong iron box, which shall require two distinct and different keys, or one key and separate combination, to unlock the same; one key or combination to be kept by the Commissioner of Insurance and the other key or the combination by the company, and the box shall not be opened except in the presence of the Commissioner or deputy and the president or authorized agent

Opened how.

of the company; provided, however, that in case the company having such securities on deposit shall be adjudged insolvent or be dissolved, the court may make and enforce the necessary orders to place such securities, or any part of them, at the sole disposal of the court or Commissioner of Insurance. The boxes shall be placed in the vault of a safe deposit company or bank in the city of Helena, Montana, to be selected by the Commissioner, and the insurance company shall pay the several fees for the safe keeping of their several boxes. So long as the company so depositing shall continue solvent the Commissioner shall permit such company to collect and

Withdrawal of securities.

receive the interest and dividends on its securities so deposited, and from time to time withdraw any such

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securities, and deposit other securities in the stead of those to be withdrawn, such new securities to be of the same value as those withdrawn.

Official bond responsible for safe keeping.

If the Commissioner, or his deputy, shall wilfully fail, refuse or neglect to faithfully keep, deposit, account for or surrender, in the manner by law authorized or required, any such securities as aforesaid transferred to and received by him or under his custody under the provisions of this Act, or shall wilfully fail, refuse or neglect to furnish proper certificates of the securities so held by him as herein provided, said Commissioner or his deputy shall be responsible upon his official bond and suit may be brought upon said bond by any person injured.

Section 2. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1921.

CHAPTER 183.

An Act to Amend Sections 4 and 12 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana Entitled: "An Act to Create a State Board of Hail Insurance; Defining the Duties and Powers of Said Board and Public Officers in Connection Therewith; Providing for the Levy and Collection of Taxes on All Lands Subject to Injury or Destruction by Hail of All Taxpayers Who May Elect to Become Subject to the Provisions of This Act; Providing for a Hail Insurance Fund; Providing for the Appointment of Appraisers, the Appraisal and Adjustment of Losses and the Settlement Thereof; and Repealing All Acts Which May in Any Way Conflict with This Act"; by Creating an Administrative Fund and Providing What Shall Be Paid Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4, Chapter 169, Laws of 1917.

Section 1. That Section 4 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same hereby is amended to read as follows:

State Hail Insurance fund.

"Section 4. The State Treasurer shall receive all moneys paid to him under this Act and shall place same

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to the credit of a fund to be known as the 'State Hail Insurance Fund' and may from time to time transfer to the Hail Insurance Administrative Fund such sums as the State Board deem necessary and proper to pay the expenses of administration for the next year's operation, together with such sums as may be needed to pay all warrants registered against the Hail Insurance Administrative Fund plus the accrued interest thereon, and shall pay out of such funds on warrants drawn by the State Auditor by order of the State Board of Hail Insurance. If such warrants be presented and there be no money in the said funds to pay the same, such warrants shall be registered and thereafter bear interest at the rate of four per cent (4%) per annum until called for payment by the State Treasurer. All interest and earnings obtained by the State Treasurer for such moneys shall be credited to the respective funds. If at any time more funds are in the Administrative Fund than the Board estimates are needed for the purposes mentioned above, the State Treasurer may on the order of the State Board of Hail Insurance transfer such funds back to the Hail Insurance Fund as the State Board may direct."

Transfers.

Payments, how made.

Registration of warrants.

Interest.

Transfer back.

Amending Section 12, Chapter 169, Laws 1917.

Section 2. That Section 12 of Chapter 169 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same hereby is amended to read as follows:

Extra compensation not allowed.

Salary of chairman.

"Section 12. It shall be the duty of all public officers to perform the duties relative to hail insurance under this Act, without other compensation than that allowed by law. The chairman of the State Board of Hail Insurance shall receive a salary of Two Hundred Dollars ($200.00) per month while actually engaged in service and actual traveling expenses, and all appointive officers under this Act shall be paid their actual traveling expenses and shall be allowed such per diem as the State Board of Hail Insurance may determine for each day of eight hours while actually engaged in service under this Act, out of the Hail Insurance Administrative Fund."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

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CHAPTER 184.

An Act Providing for the Regulation of the Sale of Eggs; Providing for the Classification and Labeling of Eggs Displayed for Sale; Providing Penalties for the Violation of the Provisions of This Act and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Eggs, sale of regulated.

Section 1. It shall be unlawful for any person, persons, firm or corporation, within this state, to sell, or offer for sale, or have within his or their possession with intent to sell within this state, or ship within this state, or ship into this state for the purpose of sale, or in any manner dispose of, any eggs known as "yolk stuck to the shell", "heavy blood rings", "partly hatched", "mouldy eggs", "black spots", "black rots", "incubated eggs", and all other eggs unfit for food, unless the same are broken in the shell and then denatured, so as to render the same unfit for food.

Foreign eggs.

Notice of sale of.

Section 2. All eggs imported into the State of Montana from foreign countries shall be sold as such. The case or container in which they are shipped shall have the words "foreign eggs" displayed thereon in letters two inches high. All retailers of said eggs shall sell them from the container in which he received them and shall inform each purchaser that said eggs are foreign eggs. All restaurants, hotels, cafes, bakeries and confectioners using or serving foreign eggs must place a sign in letters not less than four (4) inches in size in some conspicuous place where the consumer entering their place of business can see it, to read "we use foreign eggs". Incubated eggs shall include all eggs which have been subjected to incubation, whether natural or artificial, for more than forty-eight (48) hours and it shall be unlawful to expose or offer for sale or sell incubated eggs.

"Incubated eggs."

Definitions.

Section 3. Unless the context otherwise requires, words and phrases employed in this Act shall have the meanings hereinafter defined.

"Storage."

(a) "Storage" eggs mean all eggs which have been in cold storage.

"Preserved"

(b) "Preserved" eggs mean all eggs in which the natural deterioration has been prevented or retarded by any means, process, or treatment whatsoever.

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"Yolk stuck to shell." (e) "Yolk stuck to the shell" means an egg in which the yolk has settled to one side and become fastened to the shell.

"Blood rings." (d) "Heavy blood rings" means an egg in which the germ has developed to such a stage that blood is formed, and when this development stops the blood collects in a ring on the inside of the shell.

"Partly hatched." (e) "Partly hatched" eggs mean eggs in which the germ is developed to such an extent that the outline of the embryo chick can be detected.

"Mouldy." (f) "Mouldy" eggs mean eggs which through improper care have deteriorated so that mould spores have formed within the eggs. Such eggs when broken usually have a mouldy or musty smell.

"Black spots." (g) "Black spots" mean eggs in which mould or bacteria have developed in isolated areas inside the shell.

"Black rots". (h) "Black rots" mean eggs which have deteriorated to such an extent that the whole interior presents a darkened appearance.

"Container." (i) "A container" means any standard egg case, carton, can, basket, box, bag, or any other receptacle in which eggs are handled.

"Person." (j) The word "person" as used in this Act, shall mean and include individuals, and employees or agents of individuals, firms and members of firms, and their employees and agents, corporations and officers of corporations, and their employees and agents.

"Candle." (k) The term "candle" means the determination of the condition of any egg by holding it before a strong light in such a way that the rays of light will shine through the egg and reveal its contents to the operator.

Cold storage eggs, sale of. Section 4. Cold Storage and Preserved Eggs.—No person, firm, or corporation, by himself or his agents, shall sell, agree to sell, or advertise for sale, any cold storage or preserved eggs without making it known to the purchaser, or prospective purchaser, that the eggs are cold storage or preserved eggs, and all boxes or other receptacles in which cold storage or preserved eggs are displayed for sale, sold, or delivered, in wholesale or retail, shall be marked or lettered in a conspicuous manner with the words "Cold Storage Eggs" or "Preserved Eggs".

Eggs to be candled when. Section 5. On and after June 1, 1921, every retail or wholesale merchant or any person buying or selling eggs within this state before offering any eggs for sale shall

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candle the same, and any eggs found to be unfit for food shall not be offered for sale for food purposes.

Section 6. Every person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction for the first offense shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Seventy-five Dollars ($75.00), for the second offense, a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00), for the third and subsequent offenses, by a fine of not less than One Hundred Dollars ($100.00), and imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days. All fines collected for violations of this Act shall be paid to the County Treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said money shall be placed to the credit of the General Fund, the same to become immediately available, and to be paid out upon the presentment of vouchers issued by the Secretary of the State Board of Health; provided also, the county health officer of counties and city health officer of cities, shall enforce this Act.

Misdemeanor.

Penalty.

Fines, disposal of.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 185.

An Act to Amend Section 93, Chapter 120, of the Session Laws of the Twelfth Legislative Assembly, as Amended, Known as "An Act to Regulate the Operation of All Coal Mines in the State of Montana", Providing for the Maintenance of Ambulances at Coal Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93 of Chapter 120 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, as amended, be and the same is hereby amended to read as follows:

Amending Section 93, Chapter 120, Laws of 1911.

"Section 93. At every mine where men are employed under-ground, it shall be the duty of the operator thereof to keep always on hand and at some readily accessible

Medical equipment at mine.

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place, a properly constructed stretcher, a woolen and water-proof blanket, and roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying anyone who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which anyone so injured may rest while awaiting transportation home, and to provide for the speedy transportation of anyone injured in such mine to his home. When more than one hundred and fifty (150) men are employed in any one mine two (2) stretchers, two (2) woolen and two (2) water-proof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil, for use in case men are burned by an explosion or otherwise. There shall also be provided at any mine where more than five hundred (500) men are employed an ambulance of standard make or kind to be used for the purpose of transporting sick or injured workmen from the mine to the hospital or home of such sick or injured workmen; provided, however, that mines employing less than five hundred (500) men may jointly, when located within a radius of six (6) miles of each other, provide an ambulance as provided in this section for the joint service of such mines, which ambulance shall be kept at the mine or garage that is most centrally or conveniently located for the service of the joint users".

Apartment.

Transportation home.

Equipment required.

Ambulance, when to be provided.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after May 1st, 1921.

Approved March 5, 1921.

CHAPTER 186.

An Act to Amend Section 12, Chapter 125 of the Montana Session Laws of 1911; Increasing the Charge for the Maintenance of Patients Not Exceeding One Dollar ($1.00) Per Day.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 12, Chapter 125, Laws of 1911.

Section 1. That Section 12 of Chapter 125 of the Montana Session Laws of 1911, be and the same is hereby amended to read as follows:

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Section 12. At least once in each month the president of the sanitarium shall furnish the Executive Board and to the local authorities of each county, city or town, as the case may be, having charge of the relief of the poor, a list of all the free patients in the sanitarium that are credited each respective county, city or town, and who are shown by the statement of such local authorities to be unable to pay for their care, treatment and maintenance, under the provisions of Section 10. He shall accompany each such list with a bill of charges for care, treatment and maintenance at a rate not exceeding one dollar ($1.00) per day for each such free patient, together with items of expense of transportation, fee of the examining physician and the actual cost of articles of clothing furnished by the sanitarium to each such free patient. The treasurer of the Sanitarium shall thereupon collect from the local authorities of the county, city or town, such sums as may be due therefrom, and pay the same over to the State Treasurer."

List of free patients to be furnished.

Bill for treatment of free patient.

Collection of amount due.

Section 2. All acts and parts of acts contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect after its passage and approval.

Approved March 5, 1921.

CHAPTER 187.

An Act for the Collection of Statistics for the Department of Agriculture, Labor, and Industry in Relation to Farm Products and Agricultural Resources and Repealing Sections 2100 and 2102 of the Revised Codes of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of each county assessor and his deputies, at the time of making the annual assessment of property to collect such statistics in relation to farm products and agricultural resources from each farm owner, operator or renter as shall be called for by the Commissioner of Agriculture and on blanks to be prepared and furnished by the Commissioner of Agriculture.

Assessor to collect farm statistics.

Section 2. The original blanks upon which the statistics are gathered by the county assessor and his deputies,

Statistics for commissioner of agriculture.

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shall be returned by them to the Commissioner of Agriculture immediately on completion of his assessment work and not later than July first each year.

How obtained.

Section 3. If for any reason the county assessor or his deputy is unable to obtain the statistics from any farm owner, operator or renter, he shall obtain them from the most reliable source, so that the returns may be complete.

Section 4. Any farm owner, operator or renter refusing to furnish the information called for in section one of this Act, or willfully furnishes fraudulent information to any county assessor or his deputy, upon proper request therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than Ten Dollars ($10.00), nor more than One Hundred Dollars ($100.00), and cost of prosecution.

Misdemeanor.

Penalty.

Failure to collect.

Section 5. Any county assessor or deputy county assessor who shall willfully neglect or refuse in whole or in part to perform the duties required in this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum of not less than Twenty Dollars ($20.00), nor more than Two Hundred Dollars ($200.00), and the cost of prosecution.

Misdemeanor.

Penalty.

Repealing Sections 2100 and 2102, inc., of Revised Codes.

Section 6. The following acts and parts of acts of the State of Montana are hereby repealed: Sections 2100 and 2102 of the Revised Codes of 1907.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 188.

An Act Relating to the Payment of License Fees to the State Treasurer Under Protest, and Fixing the Time Within Which Suit Shall Be Commenced for the Recovery of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

License fee paid under protest.

Section 1. Whenever any license fee is demanded of any person for the use and benefit of the State of Montana, and the same is deemed unlawful by the person from whom the same is demanded, such person may pay the same, or so much thereof as may be deemed unlawful, under protest to the State Treasurer, who shall deposit

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the same in a special fund to be designated "Protest License Fund"; and thereupon the person paying, or his legal representatives, may bring an action in a court of competent jurisdiction against the State Treasurer to recover the same, without interest; provided, that any action instituted to recover any license paid under protest shall be commenced within sixty (60) days after the date of payment thereof to the State Treasurer. If no action be commenced within such sixty (60) days, or if any action be so commenced and shall be finally decided in favor of the State Treasurer the amount of the license fee shall be by the State Treasurer taken from such "Protest License Fund" and deposited to the credit of the fund to which the same belongs, but if such action be finally decided adversely to the State Treasurer, he shall, upon receiving a copy of the final judgment in said action, refund such license fee to the person in whose favor such judgment is rendered.

Action to recover.

Commencement of.

Refund.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 189.

An Emergency Act Authorizing the Board of County Commissioners of Any County to Fund Outstanding Indebtedness Against a County High School by the Issuance of Bonds, Regulating the Issuance of Such Bonds and Providing for the Payment Thereof, Authorizing the Issuance of Warrants by County High School Boards of Trustees for the Current Expenses of the School Year of 1920-21 in Excess of Available Moneys and in Excess of the Tax Levy Heretofore Made and for the Subsequent Funding of Such Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the board of county commissioners of any county in the State of Montana shall have, and are hereby given in addition to the powers already conferred upon them, authority, whenever at any time such county high school shall have a floating indebtedness incurred on or before July 1st, 1921, for teachers' salaries, school supplies, equipment, new buildings heretofore completed,

County Commissioners to fund high school indebtedness.

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necessary repairs to school buildings, heating plants therein or other necessary expenses incurred in the maintenance of such county high school, represented by warrants heretofore issued, whether in excess of funds on hand and anticipated revenues or otherwise, to fund such indebtedness and to issue negotiable coupon bonds therefor and to pledge the credit and resources of the county for the payment of the principal and interest of such bonds.

Issuance of negotiable coupon bonds.

Section 2. In addition to the powers conferred by Section 1 of this Act and in anticipation of the subsequent issuance of the funding bonds authorized by this Act, but subject to the constitutional limitations as to the total indebtedness of counties, all boards of trustees of county high schools are hereby given authority to issue warrants in excess of the available funds of the county high school, and in excess of the amount levied by the county high school board of trustees for the current school year. Such warrants shall be issued only in payment of the current expenses of the county high school for the completion of the school year of 1920-21, and not for the purpose of increasing salaries, purchasing new equipment or increasing school facilities in any manner whatsoever. The warrants so issued may likewise be funded in accordance with the terms of this Act.

High school trustees to issue warrants in excess of available funds.

Issued only for current expenses.

Bonds issued, when.

Section 3. Funding bonds authorized by this Act shall be issued under the following conditions, to-wit:

1. When there is not sufficient money to the credit of such county high school applicable to the payment of any such outstanding indebtedness; and,

2. When, in the judgment of the board of school trustees, to levy and collect a tax for the purpose of paying such indebtedness would be a hardship and burden to such county.

Provided, it shall not be necessary to submit the question of the issuance of such bonds to fund such indebtedness to the vote of the electors of the county.

Resolution of county commissioners to contain what.

Section 4. The board of county commissioners shall by resolution declare that the existing indebtedness shall be funded by the issuance of the bonds, which said resolution shall describe the amount and kinds of indebtedness which are to be funded, and declare and certify as to the validity of such indebtedness, which resolution and certification shall be conclusive against the district

Effect of resolution as to validity of bonds.

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as to the validity of the indebtedness so funded in payment of innocent holders of such bonds.

Rate of interest, how fixed.

Section 5. The board of county commissioners shall by resolution fix the rate of interest which said bonds shall bear, not exceeding six per cent (6%) per annum payable semi-annually, the time of payment not exceeding twenty (20) years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof. Such bonds shall bear the signature of the chairman of the board of county commissioners and shall be signed by the clerk of the board of county commissioners; and the coupons attached to the bonds shall be signed by the said chairman and clerk; provided, a facsimile of the signature of the chairman and clerk may be affixed to the coupon, only when so recited in the bonds, and the corporate seal of the county shall be affixed to each of the bonds. Upon execution, the bonds shall be deposited with the county treasurer, who shall register the same in a book provided for that purpose, which shall show the number and amount of each bond, its date or date payable and redeemable and the person to whom the same is issued, and the county treasurer shall deliver the same to the person or persons, to whom sold, upon their making payment for the same, or if so directed by the board of county commissioners, to such person or persons as shall surrender an amount of warrants which, with the accrued interest, shall equal the par value of said bonds, and said warrants so received by the treasurer shall be duly cancelled.

Time of payment.

Denomination.

Form of bonds.

Registration how made.

Section 6. The board of county commissioners shall provide for a tax levy to pay the principal and interest of such bonds as they mature.

Tax levy.

Section 7. When the board of county commissioners issues any bonds authorized by this Chapter, it is its duty to sell the same, and they shall give notice by advertisement in some newspaper published in this state at least once a week for four (4) consecutive weeks, the date of the first publication to be not less than thirty (30) days prior to the date of selling. Such advertisement must state the date, hour and place where such sale will take place and shall describe the bonds to be sold, giving the amount, denominations, rate of interest, time payable, time redeemable and purpose of the proposed bond issue. The board of county commissioners

How advertised for sale.

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Power of county commissioners over sale.

is authorized to reject any and all bids, and sell such bonds at private sale, if they deem it for the best interest of the county, the proceeds from the sale of such bonds to be used solely for the purpose of taking up and retiring the outstanding indebtedness of the county high school as described in the resolution provided by Section 4 of this Act; provided, however, that the board may, if in its opinion it would be to the best interests of the county to do so, effect an exchange of such county bonds to take up such legal outstanding indebtedness by issuing the same to any person or persons holding the county high school warrants, or just claims against the county high school as set forth in the resolution provided in Section 2 of this Act, exchange to be made dollar for dollar.

Proceeds of sale, how used.

Section 8. All acts or parts of acts in conflict herewith are hereby repealed.

Emergency ordered.

Section 9. There being no adequate provision by Law for the funding of indebtedness by county high schools, and there being several county high schools which will be unable to continue their school operations unless their present indebtedness be funded into bonds, and this Act being deemed of immediate importance and an emergency existing in the meaning of the constitution, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 190.

An Act to Amend Subdivision 3 of Section 2104 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly of the State of Montana as Amended by Chapter 17 of the Laws of the Sixteenth Legislative Assembly, Relating to the Method of Appointment of Trustees of County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2104, Chapter 76, Laws of 1913, as amended by Chapter 17, Laws of 1919.

Section 1. That Subdivision 3 of Section 2104 of Chapter 76 of the laws of the Thirteenth Legislative Assembly of the State of Montana as amended by Chapter 17 of the Laws of the Sixteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Appointment of trustees by county commissioners.

"Section 2104. 3. Appointment. The county commissioners shall appoint at their regular meeting in March

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1921, two (2) trustees for a term ending January 1st, 1924, and at their regular meeting in December, 1921, shall appoint two (2) trustees for a three (3) year term beginning January 1st, 1922, who shall take the place of the two (2) trustees appointed at the regular meeting in March, 1919, and at their regular meeting in December, 1922, shall appoint two (2) trustees for a three (3) year term beginning January 1, 1923, who shall take the place of the two (2) trustees appointed at the regular meeting in March, 1920, and annually thereafter at their regular meeting in December, they shall appoint two (2) trustees for a three (3) year term, their term to begin on the 1st day of January after such appointment.

Terms of trustees.

"Of the trustees appointed not more than two (2) shall be residents outside of the school district in which the high school is located, and the two (2) trustees resident outside of the school district in which the high school is located, must be appointed in different years."

Residence of trustees.

Section 2. All parts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 191.

An Act Directing the State Board of Examiners and the State Auditor to Transfer Certain Sums to and from Certain Special Accounts, and Appropriation Accounts, for the Purpose of Correcting Errors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the purpose of correcting errors heretofore made at the state institutions affected hereby in the allocation of claims audited by the State Board of Examiners and paid upon warrants issued by the State Auditor, the said State Board of Examiners and the State Auditor are directed to transfer the following sums to and from the special accounts and appropriation accounts hereinafter named:

Authority of Board of Examiners to transfer certain special accounts.

1. From State University Special Account into Students' Traveling Fare Refund Appropriation, the sum of One Hundred Twenty Dollars and Ten Cents....$120.10.

To Students' Traveling Fare Refund.

2. From Tuberculosis Sanitarium Buildings Appropriation into Tuberculosis Sanitarium Maintenance Ap-

To Tuberculosis Sanitarium maintenance.

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propriation, the sum of Three Thousand Nine Dollars and Nine Cents.....$3.009.09.

To State Orphans' Home maintenance.

3. From State Orphans' Home Buildings Appropriation into State Orphans' Home Maintenance Account, the sum of Seventeen Thousand Four Hundred Twenty Three Dollars and Eighty Cents.....$17.423.80.

When available.

Section 2. The moneys transferred by Section one (1) of this Act shall be available only for the payment of claims maturing on or before February 28th, 1921.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 192.

An Act to Provide for an Apportionment of Membership and Representation of the Several Counties in Montana in the House of Representatives of the Legislative Assembly of Montana, and to Fix the Number of Members Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Apportionment of House of Representatives.

Section 1. That after the expiration of the Seventeenth Legislative Assembly of Montana, the membership of the House of Representatives of all legislative assemblies of Montana shall be apportioned amongst, and to the several counties of the state, upon and according to the official Federal census enumeration of the inhabitants of the several counties of Montana had, as taken by authority of law in the year 1920, and upon the ratio of one representative, or member, therein from each county, for each six thousand (6,000) persons in such county, or fractional part thereof in excess of three thousand (3,000) persons; provided, each county now created, shall be entitled to at least one member.

Based upon Federal census.

Ratio of representation.

Members each county is entitled to.

Section 2. In accordance therewith each county of the state shall be entitled to, and shall elect at each biennial general, state and county election, the number of members of the House of Representatives in the Legislative Assembly of Montana herein below allotted and apportioned to it, and set opposite its name as follows, to-wit:

Beaverhead County.....One member
Big Horn County.....One member

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Broadwater County.....One member
Blaine County.....Two members
Carbon County.....Three members
Carter County.....One member
Cascade County.....Six members
Chouteau County.....Two members
Custer County.....Two members
Daniels County.....One member
Dawson County.....Two members
Deer Lodge County.....Three members
Fallon County.....One member
Fergus County.....Four members
Flathead County.....Four members
Gallatin County.....Three Members
Garfield County.....One member
Glacier County.....One member
Golden Valley County.....One member
Granite County.....One member
Hill County.....Two members
Jefferson County.....One member
Judith Basin County.....One member
Lewis and Clark County.....Three members
Liberty County.....One member
Lincoln County.....One member
Madison County.....One member
McCone County.....One member
Meagher County.....One member
Mineral County.....One member
Missoula County.....Four members
Musselshell County.....One member
Park County.....Two members
Phillips County.....Two members
Pondera County.....One member
Powder River County.....One member
Powell County.....One member
Prairie County.....One member
Ravalli County.....Two members
Richland County.....One member
Rosebud County.....One member
Roosevelt County.....Two members
Sanders County.....One member
Sheridan County.....Two members
Silver Bow County.....Ten members
Stillwater County.....One member
Sweet Grass County.....One member

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Teton County.....One member
Toole County.....One member
Treasure County.....One member
Valley County.....Two members
Wheatland County.....One member
Wibaux County.....One member
Yellowstone County.....Five members

New counties to have one member.

Section 3. Whenever a new county is created it shall have and be entitled to one member of the House of Representatives until otherwise apportioned.

New county part of what district.

Section 4. Whenever a new county is created, it shall be attached to and become a part of the representative district, embracing the county from which the largest area included in the new county has been taken.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 193.

An Act Relating to the Protection and Propagation of Fish and Game; Creating a State Fish and Game Commission and Defining Its Powers, Duties and Compensation; Providing for the Appointment of a State Fish and Game Warden and Deputies, and Defining Their Powers, Duties and Compensation; Regulating the Operation and Building of Fish Hatcheries; and the Appointment of Officials and Employees Therefor; Creating a Fish and Game Fund and Governing the Use; Regulating the Establishment of Fish and Game Districts, Preserves and Refuges; Providing Penalties for the Violation of This Act, and Repealing Sections 1949 to 1987, Inclusive, of the Revised Codes of Montana of 1907, Together with All Acts Amendatory Thereof; Chapter 87 of the Laws of 1909, Chapters 28 and 63 of the Laws of 1911, and Chapter 96 of the Laws of 1913; Sections 8 to 19, Inclusive, and Sections 27, 29, 44, 45 and 46 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Fish and Game Commission, creation of.

Section 1. State Fish and Game Commission, Creation. There is hereby created for the State of Montana, a State Fish and Game Commission, which shall be composed

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of five members, with the powers and duties in this Act specified, and which is hereinafter referred to as "The Commission".

Members appointed by Governor.

Section 2. Membership—Terms. The members of the Commission hereby created, shall be appointed by the Governor of the State of Montana. The selection of said members shall be made without regard to political affiliation, but for the sole welfare of the fish, game, and wild life of the State, and not more than three of said members shall belong to the same political party. Two of said members shall be appointed to serve for one year, one to serve two years, one to serve three years, and one to serve four years, and thereafter to be appointed by the Governor at the expiration of their first terms, to serve for four years, unless sooner removed. All vacancies in the Commission shall be filled by the Governor. The Governor is hereby given the power to remove any member of said commission for cause or for the good of the Commission. No person shall be appointed a member of said Commission unless he shall be informed on, and interested in, the subject of wild life, fish and game, and the requirements for the conservation and propagation of fish, game and game birds and animals. The first members of the Commission shall be appointed by the Governor within thirty days after the passage and approval of this Act. Each Commissioner shall, before entering upon his official duties, execute and file a bond with the Secretary of State, running to the State of Montana, in the penal sum of One Thousand Dollars, with sureties to be approved by the State Treasurer, conditioned for the faithful performance of his duties, and that he will account for, and pay over to the Fish and Game Fund of the State, all moneys received by him, and he shall be reimbursed for the premium on said bond from the State Fish and Game Fund upon furnishing a proper voucher therefor.

Non-political.

Terms of members.

Vacancies, how filled.

Qualification of members.

When to be appointed.

Bond of commissioners.

Conditions of bond.

Meetings, when to be held.

Section 3. Meetings. The members of the Commission shall, within thirty days after their appointment and annually thereafter, meet and organize by electing from its membership a Chairman, and shall hold quarterly or other meetings, at such times and places as it may deem necessary and proper, said meetings to be called by the Chairman, or a majority of the Commission, and to be held at the times and places specified in the call for the same. A majority of the members of the Com-

Quorum.

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Records, how kept.

mission shall constitute a quorum for the transaction of any business which may come before it. The said Commission shall keep a record of all the business transacted by it; it shall have power to discharge any appointee, or employee of such commission for or without cause, at any time. The Chairman and Secretary, hereinafter designated, shall sign all orders, minutes, or documents for the Commission.

Powers of Commission.

Section 4. Powers and Duties of Commission. The Commission hereby created, shall have supervision over all the wild life, fish, game, game and non-game birds and water fowl, and game and fur bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper court of this State for the enforcement of the fish and game laws of the State, and the orders, rules and regulations promulgated by the Commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, game and non-game birds within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and game birds, all funds of the State of Montana, collected or acquired for that purpose, whether arising from State appropriations, licenses, fines, gifts, or otherwise. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation, and propagation of fish, game, and game birds, which shall have been found to be of no further value or use to the State, and shall turn over the proceeds arising therefrom to the State Treasurer, to be by him credited to the State Fish and Game Fund. It shall have full power and authority to use so much of the Fish and Game Fund of the State as may be necessary for the construction, maintenance, operation, upkeep and repair of Fish Hatcheries, Game Farms or other property or means and appliances for the protection and propagation of fish, game or game birds in the State of Montana; and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish and game. It shall have authority to provide for the importation of game birds and animals, and for the pro-

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tection, propagation and distribution of imported or domestic game birds or animals, and for that purpose to acquire, by gift, purchase, lease or otherwise, such land as may be deemed necessary for the purpose of establishing a State Game Farm, and to employ a person or persons skilled in game breeding to run, operate, and manage said game farm and to distribute the output of such Game Farm on the public lands of the State, or where in the judgment of the Commission, such birds or animals will receive adequate protection and be most likely to thrive and multiply. It shall have authority to spend so much of the State Fish and Game funds as may be necessary to introduce and propagate such wild water-fowl food as will thrive, grow and mature in the waters of this State, and for that purpose may secure expert advice as to what kinds of wild water-fowl foods are adapted to the climate, soil and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair, of fish ladders and dams and ways, upon dams and other obstructions in streams which, however, shall be installed and maintained at the proper cost and expense of the owner or owners of same. It shall have the authority to purchase and maintain at the expense of the State Fish and Game Fund, suitable Fish Screens or Fish Wheels, and to install them in irrigation ditches to prevent fish entering said ditches, and to maintain said fish screens or fish wheels after the installation thereof, in such a manner that no damage shall result therefrom to the owner or owners of the irrigation ditch or ditches in which said fish screens or fish wheels are installed. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds, where fry can be planted, propagated and reared and when of suitable size, liberated and distributed in the waters of this State, and may expend from the State Fish and Game Funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds or animals, for propagation, experimenfal, or scientific purposes. It shall have authority to divide the State into Fish and Game Districts, and to create Fish and Game Districts throughout the State of Montana and to declare closed seasons for hunting or fishing in any of said specified districts, and to later open Districts so closed, or a closed season on

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any species of game, fish or game birds threatened with undue depletion from any cause, and to close any stream, public lake, or portions thereof, for limited periods of fishing, when such action is necessary to protect a recently stocked water, to protect spawning waters, or spawn-taking stations, or to prevent the undue depletion of fish. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game may breed and replenish, adjacent to game ranges, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting. Provided, however, that no refuge, preserve or sanctuary shall be set aside or created by the Commission except that the same be petitioned for by seventy-five per cent (75%) of the actual property owners to be included within the proposed boundaries of said refuge, preserve or sanctuary or in case there are no property owners within the proposed boundaries of said area proposed to be set aside, then by a petition to the Commission, signed by seventy-five per cent (75%) of those directly interested or affected financially by the setting aside of said area. It shall have authority to designate and protect certain areas as rest grounds for migratory birds, in which hunting shall be forbidden, it being the purpose of this provision not to interfere unduly with the hunting of water-fowl but to provide havens in which they can rest and feed without molestations. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this Act. After petition has been duly filed with the Secretary of the Commission praying that an area shall be set aside for any purpose or purposes in this section enumerated, the said secretary shall immediately publish a notice in a paper of general circulation in the county in which said area is proposed, that a hearing in connection therewith will be held at the court house in said county on a day not less than fifteen (15) days from date of first publication to be specified in said notice at which time and place all interested parties shall have the right to appear and be heard. In case the area proposed to be set aside is in more than one county, the Commission shall have the right to designate a place in either county, but notice must be given of said meeting in a paper of general cir-

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culation in all counties affected. Said Commission shall, in addition to the powers heretofore granted, have such other and further powers as may be necessary to fully carry out the purposes and intent of all the laws pertaining to fish, game bird and animal propagation, protection and conservation of this Act.

Compensation, how fixed.

Section 5. Compensation of Commissioners. The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of Ten Dollars ($10) for each member for every day in actual attendance at the meetings of said Commission, or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any member of said Commission receive as said per diem, a sum in excess of Two Hundred Dollars ($200) in any one year, and the members of said Commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said Commission, which shall be paid quarterly upon proper vouchers, from the Fish and Game Fund of the State.

Maximum allowed.

Expenses, how paid.

Fish and Game Warden, appointment.

Section 6. State Fish and Game Warden. Qualifications, Duties. The State Fish and Game Commission shall appoint and employ a State Fish and Game Warden, who shall continue in office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wild life protection, conservation and management. He shall be the Secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a correct record of all its transactions. He shall be the administrative head of the State Fish and Game Department, custodian of its property and records, and shall maintain his office at the seat of the State Government. He shall devote all of his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency, or any other good cause. The said State Fish and Game Warden shall be paid a salary of

Qualifications.

Duties as secretary.

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Salary and expenses.

not to exceed Three Thousand Dollars ($3000.00), per year, and in addition thereto shall be allowed his actual and necessary traveling expenses while away from the seat of Government upon official business connected with his office; provided, however, that in no instance shall he be allowed as expenses in excess of Two Thousand Dollars ($2000.00), in any one year, the same to be paid upon proper vouchers from the Fish and Game Fund of the State.

Maximum expense.

Deputy Fish and Game Wardens, appointment.

Section 7. Deputy Fish and Game Wardens. Appointment. The State Fish and Game Commission shall have power to employ and appoint a number of Deputy State Fish and Game Wardens, not exceeding eight (8) in number, for the proper enforcement of the fish and game laws of the State, or for such other purposes as the Commission may direct, who shall hold their offices for such time as the Commission may direct, and who may be removed from office by said Commission at any time. The said Commission shall assign to each Deputy State Fish and Game Warden, appointed or employed by it, the territory or district in which he is to perform his duties and work, which may be changed at any time by said Commission. Said Deputy State Fish and Game Wardens shall perform their duties at the direction of, and subject to, the supervision and control of the State Fish and Game Commission and the State Fish and Game Warden; provided, however, the Commission may employ, for a limited period of time, a special game warden to patrol said District and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said district as may be prescribed by said Commission for the limited time for which they are so employed; and further, such special deputy game wardens shall receive in compensation such amount as the Commission may allow per day for services rendered and actual expenses not to exceed Two Dollars ($2.00) per day.

Assigned to district.

Duties.

Special deputies.

Rules for appointment of deputies.

Section 8. Deputy State Fish and Game Wardens under Qualifications. All appointments of salaried deputy Fish and Game Wardens shall be made under rules adopted and promulgated by the Commission; such examination shall embrace an investigation of the character, habits, and qualifications of the applicant, as well as his knowledge of the State Fish and Game Laws, and the duties and responsibilities appertaining to the office of Deputy Fish and Game Warden. No person shall be ap-

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pointed a salaried Deputy State Fish and Game Warden until a certificate shall have been issued to him by the Commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office. Examination, must pass.

Section 9. Political Activity Prohibited. While retaining the right to vote as he may please, and to express his opinions on all political questions, no Fish and Game Warden or Deputy shall take any active part in political management or political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election, or effecting the results, thereof, or for the purpose of coercing or influencing the political actions of any person or body. Political activity prohibited.

Section 10. Deputy State Fish and Game Warden, Qualifications, Duties. The Deputy State Fish and Game Wardens employed and appointed by virtue of this Act shall be persons who have had experience, training and skill in the protection, conservation and propagation of wild life, game, fish, and game birds, and who shall be interested in said work; they shall devote all of their time for which they are appointed, to their official duties; it shall be their duty to see that the laws of the State of Montana and the laws, orders, rules and regulations of the State Fish and Game Commission with reference to the protection, preservation and propagation of game, fish and game birds are strictly enforced; it shall be their duty to see that all those who hunt, fish, trap or take game, game birds, fur bearing animals or fish, have the necessary license to enable them so to do; they shall have authority to serve subpoenas issued by any court for the trial or offenses against any of the fish and game laws of the State; they shall have authority to make a search, when they have cause to believe that any of the game, fish, birds or quadrupeds, or any parts thereof, have been killed, captured, taken or possessed, in violation of the laws of this State, and without search warrant, to examine the contents of any camper's tent, boat, car, automobile, or other vehicle, box, locker, basket, creel, crate, game bag or other package, to ascertain whether any of the provisions of the laws of this State for the protection, conservation or propagation of game and fish or game birds or quadrupeds have been violated, and with a search warrant to search and examine the contents of any dwelling house or other buildings, to seize all game, fish, game Qualifications of deputies. Duties of deputies.

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birds and quadrupeds, or any parts thereof, possessed in violation of the law, or showing evidence of illegal taking, and seize and confiscate all devices used in the taking of game, fish and game birds illegally, and to hold the same subject to law or the orders of said State Fish and Game Commission; to arrest without warrant any person committing an offense against the Fish and Game Laws of the State of Montana, in their presence, and to take such person immediately before a magistrate having jurisdiction of the same, and to exercise such other powers of peace officers, in the enforcement of the Fish and Game Laws of the State, or of judgments obtained for the violation thereof, not herein specifically provided. It shall be their duty at all times to assist in the protection, conservation and propagation of game, fish and birds and to assist in the planting, distribution, feeding and caring for fish and game and game birds, it shall be their duty when ordered by the State Fish and Game Commission, to assist in the destruction of predatory animals, birds and rodents; it shall be their duty to do and perform all other duties prescribed from time to time, by the State Fish and Game Commission, and to make a monthly report to said Commission correctly and truthfully informing the said Commission of just what each said Deputy Fish and Game Warden has done during each day of the preceding month, with regard to the enforcement of the Fish and Game Laws of this State, showing where his duties called him, and what he was called upon to do, and said report shall contain any recommendation said Deputy making the same may see fit. No Deputy or special Deputy Fish and Game Warden shall have authority to compromise or settle out of Court, any violations of the State Fish and Game Laws.

Oath of deputy.

Section 11. Oath and Bond of State Fish Game Warden and Deputy Wardens. Before entering upon his official duties, the State Fish and Game Warden and Deputy Wardens shall take and subscribe the Constitutional oath of office and shall in addition thereto swear, or affirm, that he holds no other position or office, nor any position under any political committee or party. Such oath or affirmation, shall be filed in the office of the Secretary of State.

Bond of deputy.

The State Fish and Game Warden shall execute and file with the Secretary of State, a bond to the State of Montana in the sum of Ten Thousand Dollars ($10,-

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000.00), with sureties thereon approved by the State Treasurer, and each salaried Deputy State Fish and Game Warden shall file a bond with the Secretary of State, to the State of Montana in the sum of One Thousand Dollars ($1,000.00), with sureties thereon approved by the State Treasurer, conditioned for the faithful performance of the duties of their respective offices, and that they, respectively, will account for any pay over, pursuant to law, all moneys received by them respectively. The State Fish and Game Warden and each of said deputies shall be reimbursed for the premium on said bonds from the State Fish and Game Fund, upon the furnishing of a proper voucher therefor.

Removal of deputy.

Section 12. Deputy State Fish and Game Wardens. Removal, Rating, Salary, etc. The State Fish and Game Commission shall have power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this section. It shall rate all Deputy State Fish and Game Wardens on the basis of merit and efficiency in three grades, to be known as the first, second and third grades. Any deputy in the first and second grade shall not be removed unless furnished with reason for removal and given a hearing in his own defense. The salary of the Deputy State Fish and Game Wardens shall be one hundred twenty-five dollars ($125.00) per month; provided, however, that each Deputy State Fish and Game Warden, who shall have been rated in the first grade for a full year shall receive increased salary at the rate of Ten Dollars ($10.00) per month, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum which shall be at the rate of eighteen hundred Dollars ($1800.00) per annum; and that each Deputy State Fish and Game Warden who shall have been rated in the second grade for a full year shall receive increased salary at the rate of five dollars ($5.00) per month, and for each year thereafter in which he shall so qualify, he shall receive a like increase until he receives the sum which shall be at the rate of sixteen hundred fifty dollars ($1650.00) per annum; but the Com-

Rate of deputies.

Not removed without hearing, when.

Salaries.

Increase.

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Increase cancelled, when.

mission shall have power in its discretion, for cause shown, to cancel such increase or any part thereof on the failure of any such Deputy Fish and Game Warden receiving such increase, to qualify for the first or second grade in any year. Only Deputy Fish and Game Wardens rated in the first grade shall be eligible to promotion. Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence, upon official business connected with his office, not exceeding the sum of six hundred dollars ($600.00) per annum, except when a sum in excess thereof shall have been actually and necessarily expended upon the order of the State Fish and Game Warden, said expenses to be approved by and to be paid upon proper voucher from State Fish and Game Fund.

Promotion, who eligible.

Expenses.

Maximum allowed.

Special deputies, appointment of.

Section 13. Special Deputy State Fish and Game Wardens. The State Fish and Game Warden may appoint any one who is a bona fide resident and citizen of the State as a Special Deputy Fish and Game Warden. Such Special Deputy Fish and Game Warden shall hold his appointment during the pleasure of the Commission, or State Game Warden, and shall have the same powers and duties as other Deputy State Fish and Game Wardens, but shall receive no pay for his service, except that the Commission may, in its discretion, allow him his actual and necessary traveling expenses, which if allowed shall be paid upon proper voucher from the State Fish and Game Fund.

Powers and salary.

Expenses.

Peace officers are ex-officio deputies.

Section 14. Sheriffs, Constables, Peace Officers and State Forest Officers. All Sheriffs and their Deputies, constables, all peace officers of the State, or any subdivision thereof, and all State Forest Officers, are hereby made ex-officio Deputy State Fish and Game Wardens, without pay, except that the Commission may, in its discretion, allow actual and necessary traveling expenses, which, if allowed, shall be paid upon proper vouchers from the State Fish and Game Funds, and shall have the same powers with reference to the enforcement of the Fish and Game Laws of this State as regularly appointed Deputy State Fish and Game Wardens, and it is hereby made their duty to assist, wherever possible, in the enforcement of said Laws.

Expenses for.

Duties.

Appointment and qualifications of Supt. of Fisheries.

Section 15. Superintendent of State Fisheries, Appointment and Bond. The State Fish and Game Commis-

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sion shall have general supervision over all hatcheries in the State, and shall appoint and employ a superintendent or director of State Hatcheries, who shall be a competent person and a skilled fish culturist, and who shall act under the direction of the State Fish and Game Commission.. The output of all State Hatcheries shall be used to stock the lakes and streams of the State, and shall be for free and impartial distribution within the State, and stocking the waters thereof under the direction of the Commission, and said superintendent; Provided, however, that the Superintendent shall have the power to exchange fish fry with other states or persons for distribution in this State. Before entering upon his official duties, the Superintendent so appointed and employed by said Commission shall execute and file a bond with the Secretary of State, in the sum of two thousand dollars ($2000.00), with sureties thereon approved by the State Treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be reimbursed for the premium on said bond from the Fish and Game Fund of the State, upon presentation of a proper voucher therefor.

Output how used.

Bond of superintendent.

Section 16. Superintendent of State Fisheries. Salary. The Superintendent of State Fisheries, appointed and employed by the Commission, shall receive for his services a salary of not to exceed three thousand dollars ($3000.00) per year, and his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office; provided, however, that in no instance shall he be allowed as expenses, a sum in excess of one thousand dollars ($1000.00) in any one year, which shall be paid from the State Fish and Game Fund on proper vouchers.

Salary of superintendent.

Expenses.

Section 17. Superintendent of State Fisheries. Duties and Powers. The Superintendent of State Fisheries shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings and fish, and with the consent of the State Fish and Game Commission, he shall have power and authority to employ such assistance and help as may be necessary in the operation of fish hatcheries of the State, the gatherings of eggs, or the performance of any other work in connection

Powers and duties of superintendent.

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with the protection, propagation and distribution of fish and fry. He shall have authority with the consent of the Commission, to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the state supplied with eggs and in full operation, the quality and kind or species of eggs to be determined by the Superintendent or Commission; provided, however, that the said Superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all the public waters of the State. Said Superintendent shall also have authority when authorized by the Commission, to purchase the eyed eggs of fish not propagated in this State, for the purpose of stocking the waters in this State.

Commission to control waters of state.

Section 18. State Fish and Game Commission. To control State Waters for propagation of Fish. That from and after the passage of this Act, the State Fish and Game Commission is hereby given the right and authority to control the waters of any lake, pond, or stream, which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake, pond or stream, for the breeding and propagation of game fish is concerned. Before such right to control any of such lake, pond, or stream, shall inure to the State Fish and Game Commission, it shall be necessary for the Chairman of said Commission to notify the State Land Agent that any such lake, pond or stream, is wanted for the purpose herein mentioned, giving a description of the land by legal sub-division when surveyed, or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any lessor or purchaser of the right claimed by the State, in any such lake, pond or stream, and said state land agent shall notify any lessor or purchaser or applicant to lease or purchase, of the fact that a right to the use of such lake, pond or stream is so claimed; provided, however, that no such right as is hereby given shall continue for more than one year after such land is sold by the state, and further provided, that should it be found that the right to the control of any such lake, pond, or stream heretofore granted lessens the value

Control acquired, how.

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of said land or prevents the ready sale thereof, that then and in that event the right hereby granted to the State Fish and Game Commission may be terminated upon giving sixty (60) days notice of such termination to the Chairman of the State Fish and Game Commission.

Section 19. State Fish and Game Commission Shall Procure Plans for Buildings. It shall be the duty of the State Fish and Game Commission of the State of Montana, to procure suitable plans and specifications for any buildings erected by their authority or under authority, of the State Legislature, when the estimated value or cost of the same shall be more than one thousand Dollars ($1,000.00), and said Commission shall cause said buildings to be built, erected and completed in accordance with such plans and specifications, by contract, said contract to be let after publishing said notice stating the time and place of letting the same, and where plans and specifications may be seen. Said notice shall be published not less than once a week for two weeks prior to the time of letting such contract, in some newspaper of general circulation in the county in which said building is to be erected, and elsewhere if deemed best by said Commission, and said Commission, if not satisfied with the bids received, or for any other reason, may reject any and all bids received and re-advertise as often as may be necessary. The contract shall be let to the lowest responsible bidder. Any person to whom a contract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Commission, or some member of the Commission.

Buildings, plans for.

Contract, how advertised and let.

Section 20. Transfer of Funds. All funds, appropriations and moneys provided for the purpose of administering or enforcing the present Fish and Game Laws of this State, and all funds, appropriations and moneys belonging to the Fish and Game Fund of this State and now under the control or in the possession of any officer, person or department of this State, shall be and hereby are placed under the control of the Commission hereby created, and shall be collected and disbursed by said Commission, pursuant to existing laws and provisions of this Act.

Transfer of funds.

Section 21. State Fish and Game Fund. Appropriated for What. All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected

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for violations of the Fish and Game Laws of this State, from appropriations, or received by the Commission from any other source, shall be turned over to the State Treasurer, and placed by him in a special fund known and designated as the "State Fish and Game Fund"; Provided, that out of any fines imposed by a court for the violation of this act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the State Fish and Game Commission under the terms of this Act, and said funds shall be expended for any and all of such purposes, by said Commission subject to the proper audit and allowance by the State Board of Examiners.

State Fish and Game Fund, creation of.

Expended, how.

Section 22. State Fish and Game Warden. Clerk and Stenographer. The State Fish and Game Warden appointed and employed by the State Fish and Game Commission of this State, shall have the right, subject to the approval of the commission, to employ such clerical and stenographic assistance as may be necessary for him to properly maintain his office and perform his official duties in his office, and the person or persons performing the same shall be paid monthly out of the Fish and Game funds of the state upon proper voucher.

Game warden to employ clerk and stenographer.

Section 23. Salaries, Per Diem and Expenses, How Paid. All salaries, per diem, expenses, and claims incurred by the State Fish and Game Commission, or any person appointed or employed by them, shall be allowed by the State Board of Examiners upon the presentation of proper vouchers therefor, and shall be paid out of the State Fish and Game Funds, upon warrants properly drawn thereon; provided, however, that the aggregate of all salaries, per diem, expenses and claims presented for payment shall not exceed at any time the total amount in said State Fish and Game Fund. The State Fish and Game Commission shall approve all bills properly presented which have been incurred under its authority and by its direct order. The expenses of all Deputy State Fish and Game Wardens shall be approved by the State Fish and Game Warden, before they are paid, and the salary, per diem or expenses of any employee employed in the propagation or distribution of fish shall

Salaries and expenses, how paid.

Bills approved how.

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be approved by the Superintendent of State Fisheries, before they are paid. All items of expense, amounting to more than One and 50/100 dollars incurred by any one employed in the State Fish and Game Department, shall be evidence by a proper voucher or receipt, before they shall be approved, allowed, or paid.

Receipts, when required.

Section 24. Reports of State Fish and Game Warden, Superintendent of State Fisheries and Commission. The State Fish and Game Warden, and the Superintendent of State Fisheries, shall, on or before the first day of June of each year, make a written report to the State Fish and Game Commission of the operations of their departments during the preceding year, and the State Fish and Game Commission shall thereafter, and on or before the first day of November of each year, transmit such report, together with a detailed report to the Governor, of its work and of moneys collected or received, with the sources thereof, and all disbursements and expenditures with the details connected therewith, the result of investigations made by it during the preceding year ending April 30th, with recommendations as to measures to be taken or enacted to conserve and propagate the fish, game, game birds and game, and fur bearing animals of the state, and if such recommendation embody legislation, drafts or bills to accomplish the purposes desired.

Report, when to be made.

Contents of.

The Governor is authorized to have such reports printed.

Section 25. Publication of Laws. As soon as practicable after the adjournment of each session of the Legislature, the State Fish and Game Warden, in co-operation with the Attorney General, shall make a compilation of the laws relating to fish, game, game birds and animals, as amended and in force at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form, pocket size. It shall be the duty of the State Fish and Game Warden to distribute to Justices of the Peace, Deputy Fish and Game Wardens, and other officers and persons empowered to issue licenses for hunting, fishing and trapping, a supply of such compilation sufficient to permit one copy thereof to be given any one desiring the same. The expense incurred by printing said laws shall be paid out of the State Fish and Game Fund.

Game laws, compilation of.

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Attorney General, duties of.

Section 26. Duty of Attorney-General to Advise Commissioners. Prosecuting Attorneys to prosecute Complaints. The Attorney General of the State is the legal adviser of the Commission, and shall, together with the several county attorneys, enforce the provisions of this Act.

Creation of preserves, notice of.

Section 27. Creating of Fish and Game District, Refuges, Penalty. Any Fish and Game District, Closed District, refuges, preserves, sanctuaries, rest grounds, made or created by said Commission, and any lakes or streams, or portions of lakes or streams closed by said Commission, shall be conspicuously posted for a period of fifteen days, with posters setting forth their purposes and the penalties for violating the orders, rules and regulations of the State Fish and Game Commission applicable to them. Not less than fifteen days before any Fish and Game District, closed district, preserve, refuge, sanctuary, rest ground, so created by said Commission, or closure of waters becomes effective, publication shall be made as provided in Section 28 hereof of the boundaries of such Fish and Game District, closed district, preserve, refuge, sanctuary, or rest-ground, so created by said Commission, and closed waters, such boundaries to be accurately designated by definite topographic or public land survey.

Penalties for violation of preserve.

The hunting, pursuing, wounding, capturing, killing or taking of any fish or game or game birds or animals in violation of the rules, regulations or orders of the State Fish and Game Commission governing any closed season, Fish and Game District, refuge, sanctuary, preserve, rest-ground or closed water, promulgate by said Commission shall be punished with the same penalties as provided for the violation of the State Fish and Game Laws of this state, regarding closed seasons.

Preserves continued in force.

All game preserves heretofore created by the laws of this state are continued in force and effect until such time as the same are changed by the Commission in the manner herein designated; provided, that no game preserve that has existed for more than two (2) years shall be changed by said Commission.

Publication of rules.

Section 28. Publications. The orders, rules, and regulations of the State Fish and Game Commission shall be published and posted in the following manner:

General application.

(1) Those having general application throughout the State shall be published once in some newspaper published in each county having a general circulation.

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Local application.

(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations or orders are applicable, and shall be posted in three conspicuous places in the locality or district in which they are applicable.

Effect of rules.

Section 29. Effect of Orders, Rules and Regulations. All orders, rules and regulations for the enforcement of the powers granted to the State Fish and Game Commission shall take effect and be in force, after publication and posting as in this chapter prescribed, and when so published or posted shall constitute legal notice.

Violation of rules.

Section 30. Violation of Orders, Rules and Regulations. Any person, firm or corporation violating any rule, regulation or order by the State Fish and Game Commission made pursuant to its powers enumerated in this chapter, or any officer who fails to perform any duty imposed by any of the provisions of this Act, shall be guilty of a misdemeanor, and where the punishment is not otherwise prescribed by law, shall be punished, upon conviction thereof, by a fine of not to exceed the sum of three hundred dollars, or imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the Court, and in addition thereto shall forfeit his fish and game license for a period of not less than one year.

Penalty.

Repealing clause.

Section 31. Sections 1949 to 1987, inclusive, of the Revised Codes of Montana of 1907, together with all acts amendatory thereof; Chapter 87 of the laws of 1909, chapters 28 and 63 of the laws of 1911, and chapter 96 of the laws of 1913; sections 8 to 10 inclusive, and sections 27, 29, 44, 45, and 46 of chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and all acts and parts of acts in conflict herewith are hereby repealed.

Unconstitutionality of part of Act.

Section 32. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not effect the validity of the remaining portions of this Act.

Section 33. That this Act shall take effect, and be in full force and effect, from and after its passage and approval.

Approved March 5, 1921.

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CHAPTER 194.

An Act to Amend Section 2065 of the Revised Codes of Montana of 1907 as Amended by an Act Entitled 'An Act to Amend Section 2065 of the Revised Codes of Montana of 1907, Providing Suitable Burial for Deceased Soldiers, Sailors and Marines', Approved March 4, 1909, and as Amended by Chapter 109 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Being an Act to Amend Section 2065 of the Revised Codes of Montana of 1907, as Amended and Approved March 6, 1911, and as Amended by Chapter 178 of the Laws of the Sixteenth Legislative Assembly of the State of Montana, Approved March 7, 1919, Providing Herein for Suitable Burial of Deceased Soldiers, Sailors, Marines or Nurses''.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2065, Revised Codes as amended by Chapter 178, Laws of 1919.

Section 1. That Section 2065 of the Revised Codes of Montana, 1907, as an Act amended by an Act entitled ''An Act to amend Section 2065 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines'', approved March 4, 1909, and as further amended by Chapter 109 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana by an act approved March 6, 1911, be amended, and as further amended by Chapter 178 of the Laws of the Sixteenth Legislative Assembly of the State of Montana, approved March 7, 1919, be, and the same is hereby amended so as to read as follows:

Appointment of person to inter body of deceased soldier.

Section 2065. That it shall be the duty of the board of county commissioners of each county in this State to designate some proper person in the county, preferably an honorably discharged soldier, sailor or marine, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, marine or nurse who shall have served in the army, navy, marine corps, or army nurse corps of the United States, who may hereafter die; such burial shall not be made in any burial grounds or cemetery, or in any portion of such burial grounds or cemetery, used exclusively for the burial of pauper dead; provided, the expense of each burial shall not exceed the sum of One Hundred and Fifty Dollars ($150.00), to be paid by the county commissioners of the county in which the deceased resided at the time of his death.

Not to be buried with pauper dead.

Expense of burial.

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"In the event any honorably discharged soldier, sailor, marine or nurse, who shall have served in the Army or Navy of the United States, and who is a resident of the State of Montana shall die while temporarily absent from the state or county of his residence, then the provisions of this Act shall apply, and the burial expenses not exceeding One Hundred and Fifty Dollars ($150.00), shall be paid in the same manner as above provided in cases where death occurs in the county of deceased's residence, and the person appointed in the county of which said deceased was a resident as hereinbefore provided, may take charge of said burial in the same manner as he would, had such deceased person died within the county of his residence.

When absent from residence, how paid.

"Whenever any soldier, sailor, marine or nurse hereinbefore described shall die at the State Soldiers Home, or at any public institution of the State of Montana, and burial for any cause shall not be made in the county of the former residence of the deceased, the officers of said State Soldiers Home or of any public institution of the State of Montana, as aforesaid, shall provide the proper burial herein prescribed, providing that the expense of each burial shall not exceed the sum of One Hundred and Fifty Dollars ($150.00), which expense shall be paid by the county in which he resided at the time of his entry into such home or institution, but no such burial shall be covered by any special or standing contract whereby the cost of burial is reduced below the maximum herein before fixed to the disparagement of decent and proper interment".

When death occurs at Soldiers' Home.

Expense, how paid.

Section 2. All acts, and parts of acts, in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved March 5, 1921.

CHAPTER 195.

An Act Providing for the Regulation, Supervision and Licensing of the Business of Real Estate Broker; Providing for a State Real Estate Commissioner, and Defining His Powers and Duties; and Providing for the Enforcement of This Act and Penalty for the Violation Thereof.

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Be it enacted by the Legislative Assembly of the State of Montana:

Real Estate commissioner, who is.

Section 1. The officers designated by the laws of Montana as Commissioner of Insurance shall be Ex-officio State Real Estate Commissioner, with no additional compensation.

Duties of commissioner.

Section 2. The State Real Estate Commissioner, hereinafter referred to as the "Commissioner", shall have full power to issue licenses to real estate brokers, and to make reasonable rules and regulations respecting the granting and suspension of the same, and to perform all other acts and duties necessary under the provisions of this Act.

Real estate broker, definition.

Section 3. A real estate broker, within the meaning of this Act, is a person who for a compensation, or promise thereof, sells or offers for sale, buys, or offers to buy, negotiates, or offers to negotiate, either directly or indirectly, whether as the employee of another or otherwise, the purchase, sale, exchange, of real estate, or any interest therein, for others as a whole or partial vocation. The word "person" as used in this Act, shall be construed to mean and include a corporation. The provisions of this Act shall not apply to any person who purchases property for his own use or account, nor to any person who, being the owner of property, sells, exchanges, or otherwise disposes of the same for his own account, nor to any person who, not representing himself to be, and not following the vocation of real estate broker, as a whole or in part, acts in that capacity for another in connection with a single transaction, nor to any person holding a duly executed power of attorney written in a separate instrument designated as such, from the owner granting power to consummate the sale, exchange, or leasing of real estate, nor to the services rendered by an attorney at law for or on behalf of his client, nor to any receiver, trustee in bankruptcy, guardian, administrator, or executor, nor to any person acting under the order of the court, nor to any person selling under a deed of trust.

Applicable to whom.

What agreements deemed dealing in real estate.

Section 4. Agreements of every kind respecting prospecting, drilling or operating land for oil, or disposing of the oil or oil mining rights therein, whether upon a royalty basis or otherwise, shall be deemed dealing in real estate.

License required.

Section 5. It shall be unlawful for any person to engage in the business, or act in the capacity of, Real

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Estate Broker within this state, without first obtaining a license therefor.

Fees, disposition of.

Section 6. All fees, and collections paid to the Commissioner by any person, under the provisions of this Act, shall be by him paid to the State Treasurer at the end of every calendar month and shall be placed by the State Treasurer one-half in the General Fund of the State of Montana, and one-half transmitted to the county treasurer of the county from which the license fee originated. All fines paid to or collected by any Clerk of the District Court under the provisions of this Act shall be by him forthwith transmitted to the County Treasurer for the School Fund.

Fines, disposition of.

Seal of commissioner.

Section 7. The Commissioner shall adopt a seal with the words "Real Estate Commissioner, State of Montana," and such other device as the Commissioner shall approve engraved thereon, by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the Commission certified to be a true copy under the hand and seal of the Commissioner, shall be received in evidence in all cases equally and with like effect as the originals.

Attorney General, duties of.

Section 8. The Attorney General shall render to the Commissioner, opinions upon all questions of law relating to the construction or interpretation of this Act, or arising in the administration thereof, that may be submitted to him by the Commissioner, and shall act as attorney for the Commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this Act.

License to individual and corporation, effect of.

Section 9. No license issued by the Commissioner shall authorize any person other than him to whom the license shall be issued to act as a Real Estate Broker. Whenever a license is issued to a corporation, it shall entitle the corporation officers, not to exceed three, designated in the application for the license, to act in the capacity of Real Estate Broker, in behalf of the corporation; and whenever a license is issued to a co-partnership it shall entitle the members of the co-partnership named by the co-partnership in its application for the license, to act in behalf of the co-partnership in the capacity of Real Estate Broker.

Application for license.

Section 10. Any person, co-partnership, or corporation, desiring to carry on the business of Real Estate Broker in this State, shall make application for a license

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so to do upon a form prescribed by the Commissioner, and shall file the same with the Commissioner; when an individual makes the application, in the application shall be stated the full name of the applicant, and his business address, which shall be the place where he maintains his home office. The applicant shall file with the application a written recommendation, signed by at least five responsible freeholders of the county in which the home office of the applicant is, in which the freeholders must certify that they believe the applicant to be a man of good moral character, and in their judgment well qualified to carry on the business of Real Estate Broker. The applicant shall also file with his application a good and sufficient bond in the sum of one thousand dollars ($1000.00), conditioned that the applicant shall conduct his business as Real Estate Broker in accordance with the requirements of this Act.

Bond of applicant.

Co-partnership application of.

When a co-partnership makes application for a license it shall state in the application the full names of all the partners, their business addresses, the place where the principal office shall be maintained, and the Commissioner shall require a recommendation, signed by at least five responsible freeholders of the county in which the home office of the co-partnership is, in which the freeholders must certify that they believe that each of the members of said co-partnership is a man of good moral character and in their judgment well qualified to carry on the business of real estate broker. The co-partnership shall also file with their application a good and sufficient bond in the sum of one thousand dollars ($1000.00), conditioned that the co-partnership shall conduct their business as real estate brokers in accordance with the requirements of this Act.

Bond of.

Unincorporated association.

An unincorporated association shall comply with the rules prescribed for a co-partnership.

Corporation, application of.

When a corporation makes application for a license, it shall state in its application a list of its officers and directors, and their addresses, its principal place of business in this State, which shall be deemed its home office, and the names of the officers for whom a license is asked; the Commissioner shall require its filing of a recommendation for each of said officers as in the case of an individual applicant, a good and sufficient bond in the sum of one thousand dollars ($1000.00), conditioned that the corporation shall conduct its business as real estate broker in accordance with the requirements of this Act.

Bond of.

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Commissioner may require proof.

The Commissioner may require such other proof as he may deem advisable as to the honesty, truthfulness and good reputation of any applicant for a license, whether an individual or member of a co-partnership or officer of a corporation, before issuing the license; provided, however, that if a real estate broker has once been licensed under this Act, upon his application for a renewal of his license, the Commissioner may, in his discretion waive the filing of new recommendations or references.

Renewal application, waiver of reference.

Upon the filing of the application, if the same be accompanied with a proper recommendation or recommendations, bond or bonds, and fee hereinafter specified, if the Commissioner is satisfied with the showing made, he shall forthwith issue the license, which shall continue thenceforward, unless revoked, until the first day of April next ensuing. If the Commissioner shall not be satisfied with the showing made by the applicant, or if the necessary bond or bonds, satisfactory to the Commissioner be not given, he may refuse to issue the license, in which case the applicant may appeal to the District Court within ten days after notice that his application has been rejected.

Issuance and expiration of license.

Fee for license.

For every real estate broker's license issued, the Commissioner shall require before issuance a fee of ten dollars, ($10.00), provided, that if a license be taken out after the first day of October, but one-half the fee shall be required, but the license shall expire on the first day of April following, and in case of licenses issued to co-partnerships, unincorporated associations, and corporations, he shall require such fee for each such co-partnership, unincorporated association, or corporation to whom such license is issued.

Agent's license.

Section 11. The Commissioner may issue a license to a person who acts as an agent for a duly licensed real estate broker, and who shall be designated as a salesman; the license shall be issued to him as a real estate broker (salesman). An applicant for a salesman's license shall comply in every respect with the rules and regulations provided for real estate brokers, except that he need not himself maintain a fixed place of business, but he must designate as his home office the office of a regularly licensed real estate broker, and must not change his home office without the Commissioner's permission. A salesman shall pay an annual fee of five dollars, which shall accompany his application for a license, which license shall also expire on the first of April following.

Application for, contents.

Fee for agent's license.

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Bonds run to state.

Section 12. All bonds given under the provisions of this Act shall run to the State of Montana, shall be approved by the Commissioner and be filed in his office. Any person who may be damaged by the wrongful acts of a real estate broker, shall, in addition to the other legal remedies, have a right of action on the broker's or salesman's bond.

Right of action against agent and principal.

A person having a right of action against an agent acting in the scope of his authority shall have a right of action not only against the agent but also against the principal, and the principal's bond shall be liable for the acts of his agent.

Non-resident to file consent to be sued.

Process, how served.

Section 13. If an applicant be a non-resident of this State, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this State in which the plaintiff having a cause of action or suit may reside, and that service of any process or pleadings in said suit or action, may be made by delivering same to the State Insurance Commissioner. Such service when so made to be taken and held in all courts to be as valid and binding upon the applicant as if in fact made upon said applicant in this state within the jurisdiction of the court in which said suit or action is filed; said "irrevocable consent" shall be in a form prescribed by the Commissioner, shall be acknowledged before a notary public and if the applicant be a corporation, said consent shall be accompanied by a duly certified copy of the resolutions of the Board of Directors of such corporation authorizing the execution of the same; any process or pleading above mentioned so served upon the State Insurance Commissioner shall be served in duplicate copies, one of which shall be filed in the office of the State Insurance Commissioner, and the other immediately forwarded by registered mail to the office of the applicant named in his application and service shall be deemed to have been made upon said applicant on the third day following the deposit in the mail of said copy of said process or pleadings.

Real estate broker to maintain place of business.

Section 14. Each person, corporation, or co-partnership licensed to act as real estate broker shall be required to maintain a definite place of business in the State of Montana, which shall serve as his or its home office. In the home office shall be displayed constantly, in a conspicuous place, the license, and if a salesman be employed his license shall likewise be displayed. If any person, co-partnership, association or corporation shall establish

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or maintain any office or place of business in addition to his or its principal place of business, then upon application to the Commissioner, he shall, upon the payment of a fee of one dollar for each duplicate, issue a duplicate of said license for each additional office, which duplicate shall at all times be displayed in said additional office in like manner as the original, and each copy shall be plainly marked "Duplicate" by the Commissioner. Upon the issuance of a license to any real estate broker or to a salesman, the Commissioner shall issue to the broker or salesman a pocket card of convenient size reciting that the broker is licensed to act as a real estate broker, or a real estate broker (salesman), for a stated period, showing the business address of the broker, or salesman, which card shall be signed and sealed by the Commissioner. Notice in writing shall be given the Commissioner of any change of business location, whereupon the Commissioner shall issue a new license and pocket card covering the new business address, without charge; provided that the license previously issued, together with the pocket card shall be taken up by the Commissioner before issuing the new one. A change of business location without notification to the Commissioner, shall automatically cancel the license heretofore issued.

License fee for additional office.

License card.

Notice of change of place of business.

It shall be unlawful for any licensed real estate broker, or real estate broker (salesman) to pay any part or share of a commission or other compensation received by him in his capacity as a real estate broker, or real estate broker (salesman) to any person who is not duly licensed under the provisions of this act, except to brokers in other States, or countries.

Payment of commission to non-licensed broker, unlawful.

Section 15. The Commissioner may, upon his own motion, and shall, upon verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker or salesman within this State, and shall have the power to suspend or revoke licenses issued under the provisions of this Act at any time where the holder thereof in performing or attempting to perform any of the acts mentioned in Section 3 hereof is guilty of:

Investigation by commissioner.

Revocation of license, grounds for.

(a) Making any substantial misrepresentations, or

(b) A continued or flagrant course of misrepresentation or making of false promises, whether through agents or salesmen, or otherwise; or,

(c) Failure to account for or remit for any property

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or moneys coming into his possession which belong to another; or,

(d) Any other conduct whether of the same or a different character than hereinbefore specified which constitutes dishonest dealing.

Appeal to District Court for refusal to grant license.

Section 16. If the Commissioner shall refuse to grant an application for a license, or shall suspend or revoke a broker's or salesman's license, and the broker or salesman shall feel aggrieved by the decision of the Commissioner, he may appeal to the District Court of the county in which he has his principal place of business, by giving notice of such appeal in writing to the Commissioner and filing a bond with the Clerk of the District Court, in the sum of three hundred dollars ($300), to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, said bond and notice to be filed within ten days from the date of the Commissioner's decision. The filing of such notice and bond shall supercede the order of the Commissioner until the final termination of such appeal. The judge of the court shall summarily hear and determine the questions involved upon said appeal, and shall receive and consider any pertinent evidence whether oral or documentary concerning the matter. If such aggrieved party shall fail to perfect his appeal or file said transcript as herein provided, said stay shall automatically terminate. Appeals from judgment of the District Court may be taken to the Supreme Court in the same manner as appeals are taken in civil actions.

Bond on appeal.

Effect of notice and bond.

Appeal to Supreme court.

Powers of commissioner to administer Act.

Section 17. The Commissioner shall have power to administer oaths, certify to all official acts and shall have power to subpoena and bring before him any person in this state as a witness, compel the production of books and papers, and take the testimony of any person by deposition in the same manner as is prescribed by law in the procedure of the District Courts of this state in civil cases. Process issued by the Commissioner shall extend to all parts of the State and may be served by any person authorized to serve process. Each witness who shall appear by order of the Commissioner shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases appearing in the District Court, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party

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shall be subpoenaed by the Commissioner, his fees and mileage shall be paid in the same manner as other expenses of said department are paid.

Complaint for violation of this Act.

Section 18. The Commissioner may prefer a complaint for violation of any section of this Act before any court of competent jurisdiction. It shall be the duty of the County Attorney of each county in this State to prosecute all violations of the aforesaid provisions of this Act in their respective counties in which such violations occur.

County Attorney to prosecute.

Section 19. Any person or corporation acting as a real estate broker or real estate broker (salesman) within the meaning of this Act without a license as herein provided, shall, upon conviction thereof be punished by a fine of not to exceed six hundred dollars.

Penalty for not having license.

Section 20. No person, co-partnership, association, or corporation, engaged in the business of, or acting in the capacity of a real estate broker, or salesman within this state shall maintain any action in any of the courts of this state to recover compensation for his services alleged to be earned as a real estate broker, or salesman, without alleging and proving that such person, co-partnership, association, or corporation was duly licensed under the provisions of this Act at the time the alleged cause of action arose.

Action for compensation, when maintained.

Termination of employment of agent to be filed.

Section 21. Upon the termination of the employment of any real estate broker acting in the capacity of a salesman, a written statement of the facts, in reference thereto, shall be filed forthwith, by the employer, with the Commissioner.

List of licensed brokers to be furnished.

Section 22. The Commissioner shall at least annually mail to each person licensed under the provisions of this Act, a list of the names and addresses of all licensed brokers in this state.

Unconstitutionality of part of Act, effect of.

Section 23. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Section 24. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 196.

An Act to Amend Sections 3(e), 16(e), 16(f), 16(g), 16(i), 40(b) and 40(k), of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the

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State of Montana, as Amended by the Sixteenth Legislative Assembly, Known as the 'Workman's Compensation Act'. Providing That When Public Corporations Refuse to File Payroll Reports, the Industrial Accident Board Shall Be Authorized to Levy an Assessment on Such Corporation, and Providing a Maximum Allowance for Funeral Expense of Not to Exceed One Hundred Twenty-Five Dollars ($125.00), and Providing a Maximum Medical and Hospital Allowance in an Amount Not Exceeding One Hundred Dollars ($100.00), and Providing for the Elimination of the Two Weeks' Waiting Period in Cases Where Disability Continues Beyond Six Weeks When Compensation Shall Be Paid from Date of Injury, and Providing for the Payment of Compensation for Total Loss of Hearing in Both Ears for One Hundred and Twenty Weeks, and Providing that the Minimum Assessment to Be Levied on Employers Operating Under Plan Three (3) of the Act Shall Not Be Less Than Two and One-Half Dollars ($2.50), and Providing for the Investment of the Reserve or Surplus in the Industrial Accident Fund and the Industrial Reserve Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3 (e), Chapter 96, Laws of 1915, as amended by laws of 1919.

Section 1. That Sections 3(e) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Public corporation, plan 3 is exclusive.

"Section 3(e). Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions and provisions of Compensation Plan Number Three shall be exclusive, compulsory and obligatory upon both employer and employee.

Assessments and expenses, how paid by.

Any sums necessary to be paid under the provisions of this Act by any public corporation shall be considered to be ordinary and necessary expense of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums, into the accident or administration fund, as the case may be, at the time and in the manner provided for in this Act, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expenses, appropriations, ordinances, or otherwise.

When contractor is employer.

Whenever any contractor engaged in the performance of con-

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tract work for any public corporation is the employer, such public corporation upon final settlement with the contractor shall deduct for the benefit of the Industrial Accident Fund the amount of all premium assessments necessary to be paid by such contract under the provisions of this Act. Whenever any public corporation neglects or refuses to file with the Industrial Accident Board monthly payroll report of its employees, the Board is hereby authorized and empowered to levy an arbitrary assessment upon such public corporation in an amount of Twenty-five Dollars ($25.00) for each such assessment, which assessments shall be collected in the manner provided in this Act for the collection of assessments".

Failure to file report.

Section 2. That Section 16(e) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Amending Section 16 (e), Chapter 95, Laws of 1915, as amended by Laws of 1919.

"Section 16(e). There shall be paid, in addition to other compensation if death occur within six months of the happening of the injury, the reasonable burial expenses of the employee, not exceeding One Hundred and Twenty-Five Dollars ($125.00). If the employee, leaves no beneficiaries, or major or minor dependents, this shall be the only compensation."

Burial expenses.

Only compensation when no beneficiary.

Section 3. That Section 16(f) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Amending Section 16 (f), Chapter 96, Laws of 1915, as amended by Laws of 1919.

"Section 16(f). During the first two (2) weeks after the happening of the injury, the employer or insurer, or the accident fund, as the case may be, shall furnish reasonable medical and hospital services and medicines as and when needed, in an amount not to exceed One Hundred Dollars ($100.00) in value, except as otherwise in this Act provided, and when the employer is a party to a hospital contract, unless the employee shall refuse to allow them to be furnished".

Medical services to be furnished first 2 weeks.

Amount of.

Hospital contract, when.

Section 4. That Section 16(g) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Amending Section 16 (g), Chapter 96, Laws of 1915, as amended by Laws of 1919.

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First 2 weeks, no compensation.

"Section 16(g). No compensation shall be allowed or paid during the first two (2) weeks of any injury, except as may be required by the provisions of Section 16(f) but if disability continues six (6) weeks, compensation shall be paid from date of injury."

Amending Section 16 (i), Chapter 96, Laws of 1915.

Section 5. That Section 16(i) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Asssembly be, and the same is hereby amended to read as follows:

Compensation, how determined.

"Section 16(i). In case of the following specified injuries, the compensation in lieu of any other compensaton provided by this Act, other than that provided in Section 16(f), unless the employee is a contributor to a hospital

50% of wages.

fund as otherwise in this Act provided, shall be fifty per cent (50%) of the wages received at the time of the

Maximum and minimum.

injury, subject to a maximum compensation of Twelve Dollars and Fifty Cents ($12.50) per week, and a minimum compensation of Six Dollars ($6.00) per week; provided that if, at the time of the injury the employee received wages of less than Six Dollors ($6.00) per week, then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of:

One arm at or near shoulder	200 weeks
One arm at the elbow	180 weeks
One arm between wrist and elbow	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal joint	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks

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One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	180 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metatarsal bone thereof	30 weeks
One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe at proximal joint	6 weeks
One toe other than the great toe at second or distal joint	3 weeks
One eye by enucleation	120 weeks
Total blindness of one eye	100 weeks
Total loss of hearing of both ears	120 weeks

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character.

Amending Section 40 (b), Chapter 96, Laws of 1915, as amended by Laws of 1919.

Section 6. That Section 40(b) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Assessment, when work comprises several occupations.

"Section 40(b). If a single establishment or work comprises several occupations listed in Section 40(a) in different classifications, the assessment shall be computed according to the payroll of each occupation if clearly separable; otherwise an average rate of assessment shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards, provided that in no case shall any assessment levied under the provisions of this Act be for a less amount than Two and One-half Dollars ($2.50)".

Amending Section 40 (k), Chapter 96, Laws of 1915, as amended by Laws of 1919.

Section 7. That Section 40(k) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by the Sixteenth Legis-

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lative Assembly be, and the same is hereby amended to read as follows:

Reserve fund investment in certain securities.

"Section 40(k). The treasurer of the Board shall invest such reserve in bonds of the United States, bonds of the State of Montana, or bonds of any county, city or school district in the State of Montana, or any other security which may be approved by said Board, and out of the same and its earnings shall be paid the monthly installments, and any lump sum, then or thereafter arranged for; provided, however, that when there is sufficient money in the Industrial Accident Fund to meet such compensation payments, any surplus remaining may be placed in the Industrial Reserve Fund and invested by the Board in the securities specified in this section".

Section 8. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from July 1st, 1921.

Approved March 15, 1921.

CHAPTER 197.

An Act to Create a State Purchasing Department, to Define the Authority, Powers, and Duties Thereof; to Provide for the Appointment of and to Define the Authority, Powers and Duties and to Fix the Compensation of the Officers and Employees Thereof, and to Repeal All Acts or Parts of Acts in Conflict with the Provisions of This Act, and Appropriating Money for the Carrying Out of the Provisions Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

State Purchasing Department, creation of.

Section 1. There is hereby created, of and for the State of Montana, a department to be known as the State Purchasing Department. Said department shall be in charge of a state officer to be known as the State Purchasing Agent. He shall be appointed by the Governor and shall hold office at the pleasure of the Governor.

Appointment, bond and salary of purchasing agent.

He shall be a civil executive officer. He shall execute to the State of Montana a bond in the penal sum of Ten Thousand Dollars ($10,000.00) for the faithful discharge of the duties of his office. He shall receive a salary of Five Thousand Dollars ($5,000.00) per annum, and all necessary traveling expenses to be paid upon proper vouchers.

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Duties of purchasing agent.

Section 2. The state purchasing agent shall, under the restrictions of this Act, have full and sole power and authority and it shall be his duty upon approval of the State Board of Examiners to contract for and purchase or direct and supervise the purchase and sale of all supplies of whatever nature necessary for the proper transaction of the business of each and every state department, commission, board, institution, or official. For the purpose of making such purchases and contracts the State Purchasing Agent shall be and is hereby made the purchasing agent of and for each and every state department, commission, board, institution and official. Provided, the State Board of Examiners may provide a contingent fund for each State Department, commission, board, institution, or official, in a sum to be fixed by the State Board of Examiners, to be used in the payment of urgent contingent expenses that may be necessary for the conduct of the business of such department, commission, board, institution, or official, such expenditures to be thereafter examined and approved by the State Board of Examiners.

Contingent expenses excepted.

Warehouses.

Section 3. The State Purchasing Agent shall have the power and authority, subject to the approval of the State Board of Examiners, to maintain warehouses and to rent or lease, or construct the same, and to issue such rules and regulations as may be necessary for the proper and economical conduct of the business of the State Purchasing Agent, provided, such contract and such purchase shall have first met the approval of the State Board of Examiners before being made.

Rules and regulations.

Authority to contract, when.

Section 4. An estimate or requisition approved by the department, commission, board or state official in control of the appropriation or fund against which such contract and purchase is to be charged, shall be full authority for any contract and any purchase made by the State Purchasing Department.

Claims, how paid.

Section 5. All valid claims on account of such contract and purchases negotiated by the state purchasing agent shall be audited and paid from the sums severally set aside for the use of the state purchasing department by the contract and purchase estimate or requisition upon the sworn statement of the executive officer of the department, commission, board, or institution, or the state official in control of the appropriation or fund, together with the sworn statements of the state purchasing de-

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partment, and said sworn statements of said executive officer and state purchasing department, after approval by the state board of examiners shall be full and sufficient authority for the State Auditor to draw his warrant and the treasurer to pay the same against any appropriation or fund in the treasury available for the purpose of any such contract and purchase.

Powers of purchasing agent.

Section 6. The state purchasing agent shall have exclusive power, subject to the consent and approval of the State Board of Examiners, to contract for all printing and to purchase, sell or otherwise dispose of, or to authorize, regulate and control the purchase, sale or other disposition of, all materials and supplies, service, equipment, and other physical property of every kind, required by any State Institution or by any department of the State government; and to purchase or cause to be purchased all needed commissary supplies, and all raw material and tools necessary for any manufacturing carried on at any of said institutions; and to sell all manufactured articles, and collect the money for the same, and generally to regulate and control all purchases by any department of the State Government, or by any State institution; and also to furnish, repair, and maintain the executive residence for the Governor. The state purchasing agent shall remit to the State Treasurer all moneys received from the sale of property belonging to the State of Montana, said moneys to be by the Treasurer credited to the General Fund.

Proceeds from sale, disposition of.

Compensation and bonds of employees.

Section 7. The State purchasing agent shall have the power, with the approval of the State Board of Examiners, to appoint and fix the compensation and amount of bonds of such additional employees as the proper and economical conduct of the business of the State purchasing department may demand.

Tests may be required.

Section 8. The state purchasing agent shall have the authority to require any department of the State of Montana or of any of the educational institutions of the State to peform any tests as may be required by the State purchasing department for the better information of the state purchasing agent in determining the character and quality of the articles and commodities to be purchased and used by the State.

Section 9. All stationery, printing, paper, fuel and lights used in the legislative and other departments of government, shall be furnished, and the printing, and

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binding and distribution of the laws, journals, and department reports and other printing and binding and the repairing and furnishing the halls and rooms used for the meeting of the Legislative assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder; and all such contracts shall be let by the state purchasing agent, but shall be subject to the approval of the Board of Examiners. Before any such contract is let the state purchasing agent must advertise in such manner and for such time as he deems proper for sealed proposals to furnish any and all supplies mentioned in this section. The state purchasing agent must specify in the advertisement the amount and kind of each article required. The proposals received must be directed to the state purchasing agent, who must, unless he rejects all bids, award the contract for furnishing such supplies, or any of them, to the lowest responsible bidder.

Contracts to lowest bidder.

Advertising for contracts.

Must award contract or reject all bids.

Section 10. The State purchasing agent shall supervise and attend to all public printing and shall prevent duplication and unnecessary printing; all forms, blanks, and documents printed for distribution to the departments of the State government or State institution shall be serially numbered and indexed by the state purchasing agent and sample copies of each thereof permanently retained in his library; and the state purchasing agent shall from time to time furnish to the public general information as to the nature, description, and official numbers of such reports as are available for public distribution.

Public printing duties as to.

Section 11. There is hereby appropriated any money in the Treasury of the State of Montana, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000.00), or so much thereof as may be necessary for the payment of salaries and all necessary expenses incurred hereunder, for the year 1921, and a like sum for the year 1922.

Appropriation.

Section 12. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 198.

An Act to Amend Sections 3306 and 3308 of the Revised Codes of Montana of 1907, Relating to the Department of Police of Cities and Towns.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3306, Revised Codes.

Section 1. That Section 3306 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Terms of members of police force.

"Section 3306. Terms of Members of the Police Force. All applicants for appointments to the police force, if appointed by the mayor and confirmed by the city council, shall first serve for a probationary term, and at any time within six (6) months of said appointment or at the end of said period, the mayor may, by and with the approval of a majority of the city council, discharge such applicants, or he may at the end of said period of six (6) months, with the approval of a majority of the council, confirm the appointment of any such applicants to membership in the police department, and, if so confirmed, they shall hold during good behavior, or until by age or disease they become incapacitated to discharge their duties, and if not so confirmed, the term of such applicants shall expire at the end of six (6) months from the date of appointment".

Amending Section 3308, Revised Codes.

Section 2. That Section 3308 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Examination of applicants for position on police force.

"Section 3308. Examination of Applicants for Position on Police Force. All applicants for positions on the police force shall be required successfully to undergo an examination before this Board, and to receive a certificate from said Board that the applicant is qualified for appointment for the probationary period upon the police force. It shall be the duty of the board to examine all such applicants as to their legal, mental, moral and physical qualifications and ability to fill the position of member of the police department, and shall, subject to the approval of the mayor, make rules and regulations regarding such examinations not inconsistent with this Act or the laws of the state. And said Board shall also have the jurisdiction, and it shall be its duty to hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that any such member or officer is incompetent or by age or disease, or otherwise has become incapacitated to discharge his duties. Notice of not less than two (2) days must be given to the accused of any charge made against him and of the time set for the hearing and trial thereof. No member or officer of the

Charge against policemen, how made and heard.

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police force in cities of the first class shall be discharged without a hearing or trial before said Board, and if such a Board be instituted in any city of any other class, or in any town, then the same rule shall prevail regarding hearings and trials and the right thereof as in cities of the first class. The mayor and the chief of police, subject to the approval of the mayor, shall have the power to suspend a policeman, or any officer under the chief, for a period of not exceeding ten (10) days in any one month without any hearing or trial. The Examining Board shall decide whether the charge or complaint is proven or not proven and shall have the power, by a decision of the majority of the Board, to discipline or impose a punishment. Such action of the Board shall be subject to modification or veto by the mayor, made in writing, giving the reasons therefor, which shall become a permanent record of the said Examining and Trial Board.

Suspension of policemen.

Power of board to determine charge.

Veto by mayor.

The findings and decisions of said Board shall be final unless modified or vetoed by the mayor within five (5) days from the date of the filing of such findings and decisions with the city clerk. Where a charge or complaint against a member of the police force is found proven by the Board, the Board, the mayor or the chief of police, with the approval in writing of the mayor, may order the suspension from pay for some definite time, of the member or officer found guilty, or impose upon him a fine not exceeding Fifty Dollars ($50.00), or reduce his grade, or discharge him from the police force, or subject him to any other discipline prescribed in the rules of the police department, which is not inconsistent with the provisions of this Act, or with other laws of the State. The decision of the Board shall be final and conclusive, and shall not be subject to review by any court on question of fact. The district court of the proper county shall have jurisdiction, however, in a suit brought by the officer or member, to determine whether the essential requirements of law have been complied with in the matter of his trial, but such suit must be brought by such officer or member within a period of sixty (60) days following the decision of said Board; provided, further, that the mayor must approve or disapprove the decision of the Board within a period of five (5) days of the rendition of said decision; and provided further, that no action for the restoration to office by any member of the police department unlawfully or illegally removed or

Findings of board to be filed.

Suspension from pay, when.

Decision final.

Suit by officer, when to be brought.

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excluded from office shall be maintained unless the same is begun within a period of sixty (60) days from the date of accrual of the cause of action, but no suit for the recovery of salary, or other emoluments of office, shall be maintained by any member of the police department unless the same shall be instituted within fifteen (15) days after the right to said office shall be finally determined and, provided, also that any cause of action having heretofore accrued for unpaid salaries or removal or suspension from office, shall be commenced within sixty (60) days after the approval of this Act, and unless so commenced such action shall be forever barred."

Section 3. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 199.

An Act to Amend Section 6 of Chapter 75 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, as Amended by Section 2 of Chapter 207 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919, Relating to Registration Fees for Motor Vehicles, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 6, Chapter 75, Laws of 1917, as amended by Section 2, Chapter 207, Laws of 1919.

Section 1. That Section 6 of Chapter 75 of the Laws of the Fifteenth Legislative Assembly of Montana, as amended by Section 2 of Chapter 207 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919, be and the same is hereby amended to read as follows:

Fees for registration and re-registration.

"Section 6 (a). Registration fees shall be paid to the Registrar of Motor Vehicles upon registration or re-registration of dealers and motor vehicles in accordance with this Act, as follows:

Dealers in motor vehicles other than motorcycles	$75.00
Dealers in motorcycles	22.50
Exclusive dealers in automobile accessories	10.00
Motor vehicles, other than motor trucks, having a rated engine capacity not exceeding twenty-three (23) horsepower (according to S. A. E. formula)	7.50

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Motor vehicles, other than motor trucks, having a rated engine capacity exceeding twenty-three (23) horsepower, and not more than thirty-seven (37) horsepower (according to S. A. E. formula)	15.00
Motor vehicles, other than motor trucks, having a rated engine capacity exceeding thirty-seven (37) horsepower (according to S. A. E. formula)	22.50
Electrically driven passenger vehicles	15.00
Trucks not over one (1) ton capacity	10.00
Trucks over one (1) and not over two (2) tons capacity	22.50
Trucks over two (2) and not over three (3) tons capacity	37.50
Trucks over three (3) tons capacity	60.00
Bicycle with motor Attachment	1.50

Deductions from fees.

The Registrar of Motor Vehicles shall first deduct from all fees paid under the provisions of this Act, the actual cost of making and mailing all licenses, certificates, license plates, and identification marks; of the remainder of the fees so paid he shall transmit fifty per cent (50%) thereof to the county from which the registration fee came, for deposit to the credit of the general road fund of said county. The remaining fifty per cent (50%) he shall transmit to the State Treasurer, to be deposited to the credit of the State Highway Fund.

Fees, disposition of.

Registration fee after July 31.

(b) If any dealer or motor vehicle is originally registered after July thirty-first in any year, the registration fee for the balance of such year shall be one-half of the regular fee above given.

Fee for branch establishment.

(c) A dealer who shall maintain more than one place of business or who shall maintain any branch establishment or establishments, must register and pay a registration fee for each such place of business or establishment.

Certificate may be transferred on sale.

(d) A registered dealer who may sell and dispose of his entire business to any other person may have his certificate of registration transferred to such purchaser, upon filing with the Registrar of Motor Vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of One Dollar ($1.00), the Registrar of Motor Vehicles shall note upon the registration record such change of ownership. But no certificate of registration can be so transferred unless the entire business of

Fee for filing statement of change of ownership.

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the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

Motor vehicles owned by United States, Act not applicable to.

(e) The provisions of this Act with respect to payment of registration fees shall not apply or be binding upon motor vehicles owned or controlled by the United States of America, or by any state, city or county; but in all other respects the provisions of this Act shall be applicable and binding upon cars so owned.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act will take effect and be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 200.

An Act Concerning Licenses for Revenue Purposes; Requiring Every Person, Firm, Association, Joint Stock Company, Syndicate and Corporation Engaged in or Carrying on the Business of Working or Operating Any Mine or Mining Property in the State of Montana, from Which Gold, Silver, Copper, Lead or Any Other Metals, or Precious or Semi-Precious Gems or Stones of Any Kind Shall Be Mined, Extracted or Produced, to Pay to the State Treasurer Certain Annual License Tax for Engaging in and Carrying on Such Business in This State; Fixing the Amount of Such License Tax to Be Paid Therefor; Providing a Method for the Assessment and Collection Thereof and for the Disposition Thereof; and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of "person."

Section 1. The term "person", as used in this Act, shall mean and include any individual, firm, co-partnership, association, and every joint stock company, syndicate and corporation.

Section 2. Every person who engaged in or carries on the business of working or operating any mine or mining property in the State of Montana, from which gold, silver, copper, lead or any other metal or metals, or precious or semi-precious gems or stones of any kind shall be mined, extracted or produced, whether such per-

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son shall carry on such business, or engage in such work or operations as owner, lessee, trustee, possessor, receiver, or in any other capacity, must, for the year 1921, and annually each year thereafter when engaged in or carrying on such business, work or operations, procure from the State Treasurer a license to engage in and carry on such business, work or operations in this state, and shall pay to the State Treasurer for such annual license the taxes hereinafter prescribed; provided, however, that nothing contained in this Act shall be construed as requiring laborers or employes hired or employed by any person to mine or to work in or about any mine or mining business or property, to procure such license or to pay license tax, nor shall any discovery work required to be done in prospecting for or locating any mining claim, or any annual assessment work, or work required in the obtaining of title to mining property from the United States, or required by the laws of the United States or of this State in order to hold possessory title to any mining claim, be deemed the engaging in or carrying on of the business of working or operating any such mine or mining property.

License tax to engage in mining to be paid for 1921.

State Treasurer to issue license on payment.

Act is not applicable to what.

Any person, or persons, firm, co-partnership or corporation, who shall lease or rent any mining property in consideration of a royalty or percentage of the yield thereof, or of the value of the yield thereof, shall be considered as engaged in and carrying on the business of working and operating such mine or mining property.

Applicable to lessees of mines.

Section 3. The annual license tax to be paid by such person engaged in or carrying on the business of working or operating any such mine or mining property in this state, shall be One Dollar ($1.00), together with an additional sum or amount equal to one and one-half per cent (1 1/2%) of the net proceeds which may have been derived by such person from such business, work or operations within this State during the year ending May 31st.

Amount of tax.

Net proceeds taxed 1½%.

Section 4. The net proceeds derived by such person from such business shall be reported to the State Board of Equalization, in the same manner, and shall be calculated and computed in the same manner and upon the same basis as the net proceeds of mines are determined for purposes of general taxation, as provided by law in this State. The State Board of Equalization, shall require reports upon forms to be by them prepared, on the same basis and within the same time for the same period

Net proceeds, how computed.

Forms prepared by Board of Equalization.

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of time, and in the same manner as net proceeds of mines are reported. Such statement and return shall be sworn to by the individual, or by the president, vice-president, or treasurer or assistant treasurer of the association, company, syndicate or corporation making the same.

Duty of State Board of Equalization to compute license.

Section 5. The State Board of Equalization shall examine each such statement and return filed with it and determine and ascertain therefrom, and compute and assess the amount of the license to be paid by the person making and filing the same, and shall not later than the tenth day of July certify to the State Treasurer the name of each person subject to the payment of a license tax under the provisions of this Act, and the amount of such license tax to be paid by such person. The said Board shall at the same time mail to each person, making and filing the statement and return, a written notice of the amount of the license tax to be paid by each respectively, and that the same is due and payable to the State Treasurer, and will become delinquent at five o'clock P. M. on the 30th day of November following, and that if the same becomes delinquent a penalty of ten per cent (10%) will be added, and, that the whole amount of such license tax, with penalty added, shall bear interest at the rate of twelve per cent (12%) per annum from the date the same becomes delinquent until paid.

Notify State Treasurer.

Notice, contents of.

Taxes delinquent when.

Section 6. All license taxes assessed under the provisions of this Act shall become delinquent if not paid by five o'clock P. M. on the 30th day of November following the date when the same are assessed and certified to the State Treasurer, and as same become delinquent a penalty of ten per cent (10%) shall be added thereto, and the whole amount of said license tax and penalty shall bear interest from the date of becoming delinquent until paid at the rate of twelve per cent (12%) per annum.

Delinquency, penalty for.

Failure to make return, duty of Board of Equalization.

Section 7. If any person shall fail, refuse, or neglect to make and file such statement and return within the time prescribed by this Act, the State Board of Equalization, shall immediately after such time has expired, ascertain and determine as nearly as possible from any returns or reports filed with any state or county board or officer under any law of this state, and from any other information which the Board may be able to obtain, the total net revenue of such person from such business during the year ending May 31st immediately pre-

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ceding the year in which the license tax is to be paid, and license issued, and shall make and file a statement and return showing the amount of such net revenue, and shall ascertain and determine and compute and assess the amount of the license tax due from, and to be paid by such person, and shall immediately certify the same to the State Treasurer, and give notice to such person in the same manner as though such statement had been filed within time, and the State Treasurer shall proceed to collect such license tax, adding thereto and collecting therewith, if the same is delinquent, the same penalty and interest as provided herein for other delinquencies and provided, further, that the determination of the Board in such case shall be final and conclusive, and such person shall have no right to maintain any action to review, revise or change the same in any particular whatever, or to enjoin the collection thereof, or any part thereof, or to pay the same or any part thereof under protest, and maintain any action to recover the same.

State Treasurer to collect tax and penalty.

Determination by Board is conclusive.

Section 8. Should the State Board of Equalization, have reason to believe that any such statement and return is wilfully false in any particular, it may require the person or persons, or if made by an association, joint stock company, or corporation, the officers thereof, and the employes of any such person, association or corporation, to appear before the Board and testify concerning the same and any statement contained therein, and may examine all books, records, papers and documents of such person pertaining to such business, upon giving five (5) days' written notice to such person, or officers or agents of such association, joint stock company or corporation, or the employes thereof having custody or such books, records, papers and documents, and any person failing, refusing or neglecting to so appear, or refusing to be sworn and testify, or refusing to answer any material question propounded by the Board, or any of its members, or refusing to permit the Board, or its members, employes, accountants or agents to examine such books, papers, records and documents, or any thereof, pertaining to such business, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. If the

Powers of Board of Equalization if return is false.

Examination on 5 days' notice.

Refusal to answer or permit examination is misdemeanor.

Penalty.

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Board after hearing such testimony and after such examination of the books, papers, documents and records of such person, shall find and determine that such statement and return is erroneous or false in any material matter, the Board shall change and correct the same so as to show the true net proceeds, and shall re-assess the amount of the license tax due from such person, and may add thereto a penalty of not exceeding fifty per cent (50%), and shall thereupon immediately certify the amount of such license with the penalty added thereto, to the State Treasurer and shall at the same time mail to such person a written notice of corrections and changes made in such statement and return and the amount of the license tax and penalty certified to the State Treasurer. The State Treasurer shall collect such license tax with penalty added, and if the same has become delinquent, he shall also collect interest thereon from the date of delinquency until paid at the rate of twelve per cent (12%) per annum.

Board to make correction.

Penalty for false return.

State Treasurer to collect tax and penalty.

Rehearing.

Section 9. Every person whose license tax has been determined and assessed by the State Board of Equalization, under any of the provisions of this Act, who shall feel aggrieved by the determination and assessment of the Board to the amount of net proceeds, or as to the amount of the license tax assessed, may, at any time within ten (10) days after the date of the notice thereof required to be given such person, file with the Board a petition for a rehearing, in which petition must be stated and set forth particularly and specifically the grounds and reasons therefor, and the manner in which the amount of net proceeds or amount of the license tax, or both, should be changed or corrected. Upon the filing of such petition, if it appears to the satisfaction of the Board therefrom that the Board has erred in any manner in ascertaining and determining the amount of net revenue of such person, or in assessing the amount of the license tax, or both, the Board shall immediately correct such error, and if such correction shall be in conformity with the request contained in the petition for a re-hearing, the Board shall take no further steps in connection with such petition, other than to certify to the State Treasurer the amount of the license tax due from such person after the making of such correction. If, from such examination, it does not appear to the satisfaction of the Board that it has erred in any manner in determining the net pro-

Petition for re-hearing, contents of.

Proceedings after correction of error.

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ceeds of such person or in assessing the amount of license tax to be paid, the Board shall grant such rehearing, fix a day when the Board will take up and hear such matter, and give such notice to such person of such date of hearing as the Board may deem reasonable. On such hearing such person, any taxpayer interested, and the Board may introduce witnesses, and take testimony on any material matters connected with such return and license tax, and after considering the same, the Board shall fix and determine the net proceeds of such person, and reassess the amount of the license tax to be paid by such person, certifying the same to the State Treasurer and giving such person notice thereof in the manner as required by Section 5 of this Act.

When hearing to be had.

Proceedings.

Duty of Board after hearing.

Section 10. The license tax assessed against any person under the provisions of this Act, together with all penalties and interest thereon, shall be a lien upon any and all property owned by such person within this state, and used by him in connection with such business, which lien shall attach to such property on the date when the license tax is certified to the State Treasurer by the Board, and such lien may be enforced in the name of the State of Montana, in the same manner as other liens are enforced at law.

Tax is lien upon property.

Enforcement of lien.

Section 11. All license taxes, penalties and interest collected by the State Treasurer under the provisions of this Act shall be by him paid into and deposited to the credit of the general fund of the state, and whenever a license tax is paid under the provisions of this Act, the State Treasurer shall issue to the person paying the same, a license authorizing such person to engage in and carry on such business until the first day of June immediately following the year for which such license tax is paid and such license issued.

Taxes to be paid to General Fund.

State Treasurer to issue license for year following.

Section 12. The license taxes herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

License taxes are in addition to other taxes.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 201.

An Act to Provide for the Transfer to New Counties of the Records, Maps, Plats, and Charts Relating to Land Classification of Old Counties Whose Territory May Be

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Included in New Counties, Which Records Apply Exclusively to Territory Included in Such New Counties, and Making Same the Legal Records of Such New Counties; and Providing for a Like Transfer Where Territory Is Taken from One County and Added to Another.

Be it enacted by the Legislative Assembly of the State of Montana:

New county, entitled to what records.

Section 1. Any new county heretofore formed or that may hereafter be formed shall be entitled to all records, maps, plats, and charts of any old county, any part of whose territory is included in such new county, which records, maps, plats, or charts relate to the classification of lands for taxation purposes and apply exclusively to territory included in such new county, and such records, maps, plats, and charts, shall be delivered by the officer or board of such old county to the corresponding officer or board of such new county upon proper receipt therefor, and shall be made and become a part of the records of such new county, to all intents and purposes the same as if such records, maps, plats, and charts, had been originally prepared and made by such new county; and provided, further, that in the event territory is taken from one county and added to another county such plats and records covering such territory taken, shall be transferred to the enlarged county. Provided, that if any portion of the cost of preparing such records, maps, plats, or charts remain unpaid, said new county or enlarged county shall pay its proportionate share of such cost as may be determined by the board of commissioners of the old county.

Records how delivered.

New county to pay proportionate cost.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 202.

An Act to Regulate the Production, Manufacture, Sale, Barter, Exchange, Distribution, Dealing in, Giving Away, Dispensing, or the Disposing in Any Manner of Opium or Coca Leaves, Their Salts, Derivatives or Preparations; to Define Drug Addiction; to Provide for the Reporting of Drug Addicts, to Regulate the

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Treatment and to Provide for the Committal of the Habitual Users of Such Drugs; to Provide for the Revocation of License of Habitual Users; to Provide that Under Certain Conditions the Possession of Said Drugs Shall Be Unlawful, to Provide for the Enforcement Thereof; Making an Appropriation for Carrying Out the Provisions of This Act; Providing Penalties for Its Violation, and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Opium or coca leaves, commerce in prohibited.

Section 1. That it shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of, at retail, or to a consumer, opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, within this state, except upon the original written prescription of a duly licensed physician, duly licensed to practice medicine in Montana, and pursuant to all the requirements of this Act; provided, that nothing in this Act shall be construed as preventing a dentist or veterinary surgeon, duly licensed to practice in Montana, from obtaining, on Federal Government permits, for use in his practice, the drugs or narcotics mentioned in this Section.

Physician may prescribe.

Dentist or veterinary may obtain permits for.

Act not applicable when certain percentages used.

Section 2. That the Provisions of this Act shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing, or the disposition in any manner, or the possession, within this state of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce; or, if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, or to decocanized cocoa leaves or preparations made therefrom, or to other preparations of cocoa leaves, which do not contain cocaine, provided, that such remedies and preparations are sold, distributed, given away, disposed, or possessed as medicine and not for the purpose of evading the intendment and provisions of this Act, except this Act shall apply to liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha beta eucaine or any of their salts or any synthetic substitute for them.

Preparations to be disposed of as medicine.

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Written prescriptions to contain what.

Section 3. That the original written prescription required by the provisions of Section 1 of this Act shall be signed in full by the duly licensed physician duly licensed to practice medicine in Montana, or by a veterinary surgeon duly licensed to practice in Montana, issuing it and dated as of the day on which so signed, and shall also indicate the office address and office hours of such duly licensed physician duly licensed to practice medicine in Montana, and the name and address of the person to whom such written prescription is issued, and when prescribed by a duly licensed veterinary surgeon, shall indicate in addition, the kind of animal for the treatment of which such written prescription is issued and the name and address of the owner thereof. No written prescription containing more than four grains of morphine, thirty grains of opium, two grains of heroin, six grains of codeine, or five grains of cocaine, shall be filled unless the due issuance and correctness thereof be first verified. No written prescription shall be filled without sufficient verification, if, for any reason, the proper issuance and presentation thereof appears questionable. Such written prescription shall be exactly filled as soon as received, or as soon thereafter as practicable, but no such written prescription shall be filled more than ten days subsequent to the issuance date which said written prescription bears. The person filling such prescription shall write or indicate thereon the date of filling and the date when and the name and address of the person to whom he delivers the drug so prescribed. Such written prescription shall be filled but once and shall not be copied, except for the purpose of record by the duly licensed physician, duly licensed to practice medicine in Montana, or by the person filling it, and shall be preserved on file, receiving a consecutive file number, by the person filing it, for a period of two years from the date on which such prescription is filled, in such a way as to be readily accessible by the officers, agents, employees and officials mentioned in this Act.

Prescription, when not to be filled.

Date of filling to be indicated.

Disposition of prescription.

Who may administer drugs.

Section 4. That a duly licensed physician or veterinary surgeon duly licensed to practice medicine in Montana may prescribe, dispense, distribute or administer, and a duly licensed dentist duly licensed to practice in Montana, may administer, within this State, to his patient any of the drugs mentioned in this Act, providing such dispensing, distribution or administering is made in good

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faith and in the course of his professional practice for medicinal purposes only; provided, further, that such duly licensed physician, duly licensed to practice medicine in Montana, dentist or veterinary surgeon shall keep a record of all such drugs so dispensed, distributed or administered, showing in each instance, the amount so dispensed, distributed or administered, the date when, and the name and address of the patient to whom such drugs are so dispensed, distributed or administered, except such drugs as may be dispensed, distributed or administered to a patient upon whom such duly licensed physician duly licensed to practice medicine in Montana, dentist or veterinary surgeon shall personally attend in emergency; and such record shall be kept for a period of two years from the date of dispensing, distributing or administering such drugs, subject to the inspection provided for in this Act. It shall be unlawful for any licensed veterinary surgeon to dispense, distribute or administer any of the drugs mentioned in this Act for the treatment of or consumption by a human being. It shall be unlawful, except as provided for in this Act, for a duly licensed physician, duly licensed to practice medicine in Montana to prescribe, dispense, distribute or administer, and for a duly licensed dentist or veterinary surgeon to administer the drugs mentioned in this Act.

Record to be kept by physician.

Record kept for two years.

When unlawful to administer drugs.

"Good faith," meaning of.

The words "good faith" as mentioned, shall be interpreted to mean that where a duly licensed physician, duly licensed to practice medicine in Montana, dentist or veterinary surgeon shall prescribe, dispense, distribute, administer, or in any manner give opium or coca leaves, or any compound manufacture, salt, derivative, or preparation thereof, it shall be for the actual relief or treatment of disease or surgical operation, but if such prescribing, dispensing, distribution, administering or giving of such drugs is not being issued for relief in the treatment of disease or surgical operation, and such drugs are being used for the purpose of providing the drug addict with the aforesaid drug or drugs sufficient to keep him comfortable, it shall be considered as a perversion of the meaning of the words "good faith" as above contained. The prescribing for, dispensing, administering or giving of such drugs to an addict for self administration by such patient shall not be deemed to constitute in itself legitimate medical treatment.

Prescribing for addict.

Section 5. The State Board of Health of Montana, through its duly authorized officers, agents or employees

State Board of Health charged with enforcement of Act.

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and all officers, agents and employees of any organized municipalities within this state, who are charged with the enforcement of state laws and city ordinances, are hereby charged with the enforcement of this Act and also, the officer, agents and employees of the United States Treasury Department duly authorized to make inspections under the Act of Congress approved December 17th, 1914, entitled, "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives or preparations, and for other purposes," are empowered to inspect any and all of the records required to be kept by any person under the provisions of this Act. All records provided for in this Act shall be inaccessible to the public, and any officer, agent or employee mentioned above who shall disclose or use the information contained in said records, except as herein expressly provided for and except for the purpose of enforcing the provisions of this Act or said Act of Congress, for the purpose of enforcing any ordinance of any organized municipality within this state, regulating the sale, prescribing for, dispensing, dealing in or distribution of the aforesaid drugs, and except in the public interest unless directed by the court, shall, on conviction, be fined or imprisoned as provided by Section 17, of this Act.

United States officers may inspect records.

Records open to public.

Physician to report drug addict to county attorney.

Section 6. That a duly licensed physician duly licensed to practice medicine in Montana, who prescribes for, dispenses, administers, or in any manner gives any of the drugs mentioned in this Act, to a person known to him or believed by him to be an habitual user or a drug addict, shall, within forty-eight hours, report to the county attorney of the county in which said physician prescribes for, dispenses, administers or in any manner gives any of the drugs mentioned in this Act, the name, address, physical and mental condition, and any necessary substantial information regarding such person. "An habitual user of such drugs" or "drug addict" is defined as follows: "Any person who has needed or demanded the prescribing for, dispensing or administering or in any manner the giving of opium or coca leaves or any of their derivatives, salts, preparations or compounds, at more or less regular intervals for thirty consecutive days prior to the day such person applies to a physician or to a physician

"Drug addict," definition of.

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of any institution for the prescribing for, dispensing, administering or the giving in any way of any such drugs or their derivatives". If a physician shall prescribe for, dispense, administer or in any manner give any of the drugs mentioned in this Act, daily for more than thirty days to a patient, such physician shall register with the county attorney the name of such person, together with a statement of the physical and mental condition of such person, and a prognosis as to the probable future necessity for continuing the prescribing, dispensing, administering or the giving of such drugs to such patient, and such prognosis shall include an estimate as to the length of time which, according to the judgment of the physician, will be required to remove the necessity of administering the aforesaid narcotic drugs to such patient. It shall be the duty of the county attorney upon receipt of such notice to immediately file a complaint against such habitual user of drugs or drug addict in the District Court of his county.

30 day drug addict to be reported to county attorney.

County attorney to file complaint against drug addict.

Section 7. Whenever a complaint shall be made to any Judge of the District Court that any person is addicted to the use of drugs mentioned in this Act in a manner contrary to the public welfare, such Judge of the District Court must issue and deliver to some Peace Officer for service a warrant of arrest, directing that such person be arrested and brought before said judge for examination, and if, after said examination, said judge is satisfied that said person is addicted to the use of the drugs mentioned in this Act, in a manner contrary to the public welfare, he may commit such person to a state, county, city or other hospital or institution where facilities are provided for the treatment of drug addicts. Whenever it is made to appear to the judge of the District Court that such person is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, or at any other time in his discretion, he may order a discharge from such commitment. The provisions of this Act shall not be construed to prohibit any person committed to any institution under its provisions from appealing for a review of the sufficiency of the evidence upon which the commitment was made.

On complaint, judge of district court may conduct examination of drug addict.

Drug addict to be committed to hospital.

Discharge of drug addict.

Person committed may appeal.

Section 8. The person so committed, together with a copy of the order of the Judge committing him, must be delivered by the sheriff of the county to the person in

Commitment to sheriff.

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charge of the hospital or institution to which said person is committed.

Costs of commitment.

Section 9. All costs and expenses incurred in the arrest, examination, commitment and maintenance of such person shall be paid in the manner now provided for by law for the arrest, examination, commitment and maintenance of persons committed to the State Insane Asylum.

Peace officers to report drug addicts to county attorney.

Section 10. It is hereby made the duty of police judges and magistrates, judges of municipal courts and justices of the peace to report immediately to the county attorney of the county wherein their said courts are established and conducted, any and all knowledge or information acquired or obtained by said police judge, magistrate, judges of municipal courts, and justices of the peace, in a trial of causes or hearings before them, which knowledge or information shows, or tends to show, that any person is a drug user or drug addict. If said person so shown to be a drug user or drug addict is under arrest or liberated on bail at the time said knowledge or information is acquired or obtained by said police judge or magistrate, judge of a municipal court or justice of the peace, said person shall not be liberated, if under arrest, nor said bail discharged by said judge, magistrate or justice of the peace until said report is made to the county attorney, as provided herein.

Addict under arrest not to be liberated.

Revocation of license of physician when drug addict.

Section 11. That the regularly established and constituted board, commission or authority of this state, duly empowered to issue a license to a physician, dentist, veterinary surgeon, pharmacist or nurse, authorizing the practice of his profession in this state, shall, at any time, and after a fair hearing held upon reasonable notice, revoke such license upon the production of sufficient evidence that the licensee is addicted to the use of the drugs mentioned in this Act in a manner contrary to the public welfare. Whenever it shall appear that such physician, dentist, veterinary surgeon, pharmacist or nurse is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, they may re-issue said license; that a duly licensed physician, duly licensed to practice medicine in Montana, dentist, veterinary surgeon, pharmacist or nurse duly convicted of a substantial violation of this Act shall be liable to a revocation of this license by the regularly constituted and established board, commission or authority of this state, duly empowered to issue such license, after a fair

License may re-issue when physician cured.

Revocation of license on conviction under this Act.

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hearing upon a reasonable notice, provided such revocation shall be in the public interest. Public hearing for revocation.

Section 12. That it shall be unlawful for any person to have in his possession or under his control any of the drugs mentioned in this Act, if such possession or control is obtained in a manner contrary to the provisions of this Act; and such possession or control shall be presumptive evidence of a violation of this Act; provided, that this section shall not apply to the possession or control of the aforesaid drugs by any employee or agent, acting within the scope of his employment or agency, or any person dealing in such drugs pursuant to all the requirements of this Act, and such possession or control does not operate any of the provisions or the intendment of this Act; or to the possession or control by a nurse for medicinal treatment only, and not on his own account, acting under the supervision and direction of a duly licensed physician, duly licensed to practice medicine in Montana, or by a dentist or veterinary surgeon engaged in the legitimate practice of his profession; or to the possession and control of the aforesaid drugs by any United States, state, county, municipal or other duly authorized public officer or official who has such possession or control by reason of his official duties; or to the possession or control of the aforesaid drugs by a warehouseman or a common carrier holding such possession or control under the direction of a person who has received such drugs pursuant to the requirements of this Act; nor to persons conducting wholesale or retail drug establishments who are registered by the Commissioner of Internal Revenue under and pursuant to the provisions of an Act of Congress approved December 17th, 1914, being an act entitled: "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives or preparations, and for other purposes;" provided, further that it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information or indictment, or other writ or proceeding laid or brought under this Act, and the burden of proof of any such exemption shall be upon the defendant. When unlawful to have drugs. Possession evidence of violation of Act. What possession act is not applicable to.

Section 13. That the sum of Five Hundred Dollars ($500.00), or so much thereof as may be necessary, be, Appropriation to carry Act into effect.

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and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the year ending June 30th, 1922, and a like sum for the year ending June 30th, 1923, for the purpose of carrying into effect the provisions of this Act.

"Person," definition of

Section 14. That the word "person" as used in this Act shall be construed to mean and include the partnership, firm, association, company or corporation, as well as a natural person.

Penalty for violation of Act.

Section 15. That any person who violates or fails to comply with any of the requirements of this Act shall, on conviction, be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than three years, or by both such fine and imprisonment.

Section 16. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 17. That this Act shall go into full force and effect from and after the 1st day of July, 1921.

Approved March 5, 1921.

CHAPTER 203.

An Act Amending Section 312 of the Revised Codes of Montana of 1907, Relating to the Distribution of the Reports of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 312, Revised Codes.

Section 1. That Section 312 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Purchase of reports for distribution.

"Section 312. On the publication of each volume of said reports the secretary of state shall purchase of said publisher, for the use of the state, three hundred copies thereof, and shall distribute the same in the manner following: To the law libraries of each state and territory of the United States, one copy; to the library of congress, two copies; to each of the judges of the United States circuit and district courts of the states of Idaho, Nevada, California, Washington, Montana, Wyoming, and Oregon, one copy; to each state officer, justice of the supreme court, district judge, county attorney and clerk of the district court in this state, one copy; to the law library of the state of Montana, three copies. He shall also distribute said reports to literary and scientific institutions,

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publishers and authors and legislative reference libraries of other states with whom the state law librarian has established or may hereafter establish a system of exchange. He shall also distribute to the university of Montana not to exceed fifty copies to be used by the law librarian of the state university for the purpose of exchanges with universities and institutions of higher education in other states. All reports distributed to state, district, and other officers in this state shall be for the use of their office, and shall be, by the person receiving the same, turned over to his successor in office, and the secretary of the state shall take proper receipts for such reports.

Use of reports by state officers.

Receipts for.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 204.

An Act Amending Section 2 of Chapter 222 of the Acts of the Sixteenth Legislative Assembly of Montana of 1919, Relating to the Appointment and Compensation of Deputy County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 222 of the Acts of the Sixteenth Legislative Assembly of Montana of 1919, be, and the same is hereby amended to read as follows:

Amending Section 2, Chapter 222, Laws of 1919.

"Section 2. The Boards of County Commissioners in the several counties of the state shall have the power to fix the compensation allowed any deputy or assistant under this act; where any deputy or assistant is employed for a period of less than one year the compensation of such deputy or assistant shall be for the time so employed; provided, the rate of such compensation shall not in any event be to exceed the rates fixed by this act for similar deputies or assistants; said Boards of County Commissioners shall likewise have the power to fix and determine the number of all deputy county officers, provided, however, that the number of said deputies shall not be greater than the maximum fixed by law."

County Commissioners to fix compensation of deputies.

Rate of compensation.

Number of deputies.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 205.

An Act Defining the Boundaries of the Several Counties of the State of Montana, Enumerating the County Seats Thereof and Repealing All Acts and Parts of Acts in Conflict Herewith.

Note: Section 4 of this Act provides that the Chapter Number and Title only shall be printed in the Session Laws of the Seventeenth Legislative Assembly but the Act in full will be printed in the Revised Codes of the State of Montana, 1921.

C. T. STEWART, Secretary of State.

CHAPTER 206.

An Act to Amend Sections 1 and 2 of the Law Initiated and Passed by the People of the State of Montana at the General Election of 1912, Entitled 'A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference for Party Candidates for President and Vice-President of the United States, the Election of Delegates to Presidential Conventions and the Nomination of Presidential Conventions and the Nomination of Presidential Electors by Direct Vote.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1 of Presidential Primary, p. 590, Laws of 1913.

Section 1. That Section 1 of the law initiated and passed at the General Election of 1912 entitled, "a Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference for party candidates for President and Vice-President of the United States, the election of delegates to Presidential conventions and the nomination of presidential electors by direct vote, be and the same is hereby amended to read as follows:

"Section 1. In the years when the President and Vice-President of the United States are to be elected, the primary nominating election shall be held on the last Tuesday of May of said year, provided if said date should occur on a legal holiday then said election shall be held the day following said holiday, and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the hold-

Election to be held last Tuesday of May.

Election laws in force.

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ing of the regular biennial nominating election shall be in full force and effect."

Amending Section 3, Presidential Primary, p. 590, Laws 1913.

Section 2. That Section 3 of the law initiated and passed at the General Election of 1912 entitled: "A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference for party candidates for President and Vice-President of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote," be and the same is hereby amended to read as follows: "Section 3. The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice-President of the United States, and shall nominate candidates for their party presidential electors at such nominating election, the Governor shall grant a certificate of election to each of the delegates so elected, which certificate shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice-President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the State at the last preceding election for representative in Congress; provided that not more than five hundred signatures shall be required on any such petition. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of Presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of Presidential elector.

Election of delegates to convention.

Nominate electors.

Certificate of election.

Nominating petitions, sufficiency of.

Number of electors.

Who declared elected.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 4. This Act shall take effect and be in full force from and after the 31st day of May, 1921.

Approved March 5, 1921.

CHAPTER 207.

An Act Establishing a State Highway Commission; Prescribing the Powers and Duties Thereof, and Authorizing the Construction, Maintenance, Repair and Marking of Public Roads and Bridges; Creating a State Highway Fund; Imposing Certain Duties upon County and Local Road Officials and Assenting to the Federal Aid Act of Congress, Approved July 11, 1916, and All Other Acts Granting Aid for Public Highways; and Authorizing the State Highway Commissioner to Cooperate with the United States Government in the Construction of Roads and Bridges; and Repealing Chapter 170, Session Laws of the Fifteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

State Highway Commission, creation of.

Section 1. There is hereby created a Commission, to be known as the State Highway Commission, to consist of three members, one member to be known as the State Highway Commissioner, and the other members to be known as Assistant Highway Commissioners, and each of said members shall be a citizen of the United States.

Commissioner, term of office.

The State Highway Commissioner shall be the Executive head of the Commission and shall hold office for the term of four years, and until his successor is appointed and qualified, shall make his headquarters at the city of Helena, shall devote his time exclusively to the business of his office, and shall receive as compensation, to be paid out of the State Highway Fund, the sum of

Salary and expenses.

Six Thousand Dollars ($6,000.00) per annum, together with his traveling expenses while actually engaged about the duties of his office outside of the City of Helena.

Assistant commissioner, term of office.

The Assistant Highway Commissioners shall each hold office for the term of three years, and until his successor is appointed and qualified except as herein provided, and shall receive as compensation, to be paid out of said fund,

Compensation and expenses.

the sum of Ten Dollars ($10.00) per diem, for each day actually engaged in the duties of his office, including his time of travel between his home and the place of performance of such duties, together with his traveling ex-

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penses while away from his home in the performance of the duties of his office.

Bond of commissioner.

The Highway Commissioner shall give bond conditioned for the faithful performance of his duties in the sum of Twenty-five Thousand Dollars ($25,000.00), and the Assistant Highway Commissioners shall give a like bond in the sum of Ten Thousand Dollars ($10.000.00) each.

Bond of assistant.

Appointment and meetings of commission.

Section 2. The members of the State Highway Commission shall be appointed by the Governor and may be removed by him at any time for cause. Said Commission shall meet at least once each month for the purpose of transacting its business, including the consideration of claims and the letting of contracts; two members of the Commission shall constitute a quorum for the transaction of business. The State Highway Commissioner shall appoint an Engineer whose salary shall be fixed by the State Highway Commission. Said Engineer shall perform any acts or duties relating to the office of th Highway Commission which said Commission may impose upon him; such Engineer shall take and file the Constitutional oath of office before entering the performance of his duties; he shall give a bond in such sum as the Commission may determine and may be removed by the Commissioner at any time for cause.

Quorum.

Appointment, salary and duties of engineer.

Bond of engineer.

Office of commissioner at capitol.

Section 3. The State Highway Commissioner shall be furnished with a suitable office in the capitol, where his records shall be preserved, and said office shall be kept open at such times as the business of the commission shall require. He shall file and safely keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications, contracts, estimates and official acts. The commissioner shall prepare and submit to the Governor on or before the fifteenth day of each month, a report of the work constructed, under construction and proposed for construction and the progress made during the preceding month, and shall make recommendations as to the needed improvements and their estimated cost.

Records.

Report for Governor.

Duties of commissioner.

Section 4. In addition to his other powers and duties, the State Highway Commissioner shall compile statistics relative to public highways throughout the state, and shall collect all information in regard thereto deemed expedient. He shall investigate and determine upon various methods of road construction adapted to different sections of the state and as to the best methods of construc-

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tion and maintenance of roads, bridges, road markers and shall investigate and determine upon such other information relating thereto as he shall deem appropriate and necessary. He may be consulted at all reasonable times by county officers having care and authority over highways and bridges and shall advise such officers relative to the construction, repair, altering or maintenance of the same, and shall furnish such other information and advice as may be requested by persons interested in the construction, maintenance and marking of public highways and shall at all times lend his aid in promoting highway improvements throughout the state.

County officers to furnish information to commissioner.

Section 5. The county commisssioners and road supervisors of any county, and all other officers who now have or may hereafter have by law the care and supervision of the public highways and bridges, shall, from time to time, upon the written request of the State Highway Commissioner furnish him with all available information in connection with the building and maintenance of the State highways and bridges in their respective districts or counties.

Powers of commission.

Section 6. The State Highway Commission shall have power, and it shall be its duty, to formulate all rules and regulations necessary for the government of the State Highway Commission and it is hereby authorized to make all rules necessary to comply with the provisions of the Federal Aid Act of Congress approved July 11, 1916, and all other acts granting aid for public highways, and to obtain for the State of Montana, the full benefit of such acts. The State Highway Commission is hereby authorized to and shall, in conjunction with the Board of County Commissioners of the several counties in the State, designate such public roads in the state as shall be classed as state highways and subject to improvements under the provisions of the said Federal Aid road act of Congress and the State Highway Commission in conjunction with Board of County Commissioners shall also formulate necessary rules and regulations for the construction, repair, maintenance and marking of state highways and bridges, and may provide for local supervision in such cases.

To comply with Federal Aid Act.

To designate state highways.

Employment of office and field help.

Section 7. The Highway Commission shall employ office and field help as it shall deem necessary and the compensation for all such employees shall be determined by the State Highway Commission and paid out of the

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state highway fund in the same manner as other state employees are paid.

Contracts, how let.

Section 8. All contracts for work on state highways shall be let by the State Highway Commission. When the estimated cost of any piece of work shall exceed one thousand dollars, it shall be the duty of the State Highway Commission to let such contract by competitive bidding, upon such notice and upon such terms as the Commission by its rules and regulations prescribe; provided that if the Commission shall find such work may be done and performed by force account or by day's labor in a more efficient manner, it may so conduct the work, and provided further that the Commission may use convict labor as, in its judgment, is deemed proper.

Contractor's bond.

A contractor upon being awarded a contract for construction, improvement, maintenance or marking upon a state highway, and before entering upon such work shall execute to the State of Montana a bond to be approved by the Commission, and to be conditioned for the faithful discharge of its duties under such contract.

Act of congress assented to.

Section 9. The provisions of the act of Congress, approved July 11, 1916, entitled, "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes", is hereby assented to. The State Highway Commission is hereby authorized to, for and on behalf of the State of Montana, when in its judgment it is to the best interests of the State, assent to the provisions of any Act of the Congress of the United States, or any rules and regulations of any Department of the Government of the United States, relative to the aid or the construction of any roads or highways in the State of Montana, with specific authority to, for and in behalf of the State, enter into all contracts and agreements with the United States Government or any Bureau or Department thereof, relative to the construction or aiding in construction or maintenance of highways in the State of Montana, and do all other things as may be necessary or required to fully carry out the co-operation contemplated by the present and future acts of the Congress of the United States between the State and Federal Government relative to the construction and maintenance of roads and highways in the State of Montana.

Authority to assent to acts of congress.

Maintenance and patrol of highways.

Section 10. The State Highway Commissioner shall have authority to organize and operate a division of main-

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tenance and patrol, and by co-operation with the Board of County Commissioners in the several counties of the state, if necessary, to maintain state highways constructed by the state and such additional mileage as the commission may deem necessary.

Signs to be erected.

Section 11. The State Highway Commissioner shall cause to be erected and maintained such standard guide and warning signs as it may deem necessary on and along state highways. Such signs shall be of uniform design and size throughout the state and such uniform design shall be approved by the Highway Commission. It shall be unlawful to erect or display any other guide or warning signs on or along state highways except in case of emergency; and except that trail or road associations having distinctive emblems or signs for their trails or roads may, at their own expense, submit and furnish such emblems or signs for the approval of the State Highway Commission. Such trail or road association emblems or signs, if approved by the State Highway Commission, may be used by said Trail or Road Association on such roads and trails as they may have assumed jurisdiction over, and on no other. The State Highway Commission shall have full control and authority over all advertising, guide, warning and other signs now constructed or placed upon or to be constructed or placed upon state highways and shall cause to be removed any such signs conflicting with the provisions of this act, or the policies, rules and regulations now existing or to be created and adopted by the State Highway Commission. It shall be the duty of the State Highway Commission to cause to be removed any unlawful advertising, guide, warning or other sign.

Signs prohibited.

Signs of road associations.

Certain signs may be removed.

Injury to state highway sign.

Section 12. After the marking of the state highway, or any section thereof, it shall be unlawful for any person, corporation or association to deface, damage, or injure any state highway guide, warning or other signs, or any advertising signs erected or placed on the state highway with the approval and sanction of the State Highway Commission. Any person, corporation or association found guilty of defacing, damaging or injuring said signs shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than Ten Dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense.

Penalty for injury to sign.

County commissioners may convey rights-of-way.

Section 13. It shall be lawful for boards of county commissioners to transfer and convey to the State of

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Montana rights-of-way over and along county roads for state road purposes, and it is hereby made their duty to make such transfer or conveyance upon receiving notice from the State Highway Commission that a state road has been established and definitely located over a county road and that said road will be improved and maintained by the state and that funds are available for the immediate construction of such road.

Road maps, prepared when.

Section 14. Upon the selection and approval by the Commission of the system of state highways, the Commission shall cause to be prepared an official road map of the State of Montana showing outlined thereon the exact location of said state highways. Prior to October 1, 1921, if possible, a copy of such map shall be filed with each county clerk and after such selection and filing no changes except the necessary re-locations and alterations in portions of the state highway system for purposes of construction shall be made by said Commission until further investigation or hearings are held in the county or counties in which such change or changes are proposed. If, after investigation or hearing, any alteration or additions shall be deemed expedient by the Commission, the change shall be entered in writing upon the records and maps of the Commission and each county clerk shall be immediately notified to alter the official map on file with him in accordance therewith.

Filing of.

Alterations of maps, made when.

Rights-of-way, commission may acquire.

Section 15. The State Highway Commission shall have the power and authority to acquire by purchase or otherwise, necessary rights-of-way for state highways, and to lay out, alter, construct, improve and maintain highways in the state of Montana, and to acquire by purchase or otherwise, deposits of road-building materials, and the State Highway Commission shall have the authority to exercise the power of eminent domain in the name of the State for any of the above-mentioned purposes.

Eminent domain.

Attorney general and county attorney to act when.

Whenever it shall be deemed necessary by the Commission to secure the rights-of-way as herein provided, or to acquire deposits of road-building materials, and the same cannot be acquired by purchase, the Commission may direct the attorney general or any county attorney in any county in the state to procure the rights-of-way or deposits of road-building materials by proceedings to be instituted in the manner as provided in Title 7, Part 3, of the Code of Civil Procedure against all non-accepting landholders and when thereunder the right-of-way is

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procured the road must be declared public highway and open in the manner provided by law.

Prosecutions for violation of highway laws.

Section 16. The State Highway Commission shall have power, and it shall be its duty, to prosecute all persons guilty of any violation of "The General Highway Law".

State Highway Fund, creation of.

State Highway Trust Fund, creation of.

Section 17. For the purpose of carrying out the provisions of this Act there is hereby created a State Highway Fund and a State Highway trust fund. The State Highway Fund shall be credited with all moneys received for the use and purpose of the State Highway Commission from the receipt or transfer of motor vehicle license fees, as provided by law, or from other sources except as hereinafter provided. The State Highway trust fund shall be credited with all moneys received from the counties, and from the Federal Government or other agencies for expenditure by the Commission in connection with the actual construction of specific projects. All moneys in the hands of any state officer, upon the passage and approval of this Act shall be segregated by such state officer and credited to the respective fund to which it properly belongs as above defined. Hereafter all moneys collected for the State Highway Fund or the State Highway trust fund as authorized by law shall be credited to such fund or funds by the State Treasurer. Provided, however, that nothing herein contained shall prevent the State Highway Commission from recovering from the State Highway trust fund moneys deposited or paid into such trust fund by counties and the Federal Government or other agencies to defray the cost of engineering incident to the construction, supervision and inspection of projects carried on under the direction of the Commission.

Expenditures, how paid.

Section 18. All accounts and expenditures shall be certified by the Highway Commissioner, approved by the State Board of Examiners, and paid by the State Treasurer upon warrants drawn by the State Auditor out of the proper fund created by this Act. In submitting claims for payment as herein provided, the State Highway Commissioner shall certify whether the warrant is to be drawn against the State Highway Fund or the State Highway trust fund and if the claim is against the State Highway trust fund he shall state the particular project to which the payment will apply. The State Treasurer is hereby authorized to receive all warrants drawn by the United States Government in accordance with the

Fund to be paid from, to be certified.

State Treasurer to receive U. S. warrants.

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provisions of any Act of Congress and to credit same to the State Highway trust fund.

Accounting system.

The State Highway Commission shall provide a system of accounting for each project considered which shall show the amount of money received therefor, and also an itemized statement of the expenses in connection therewith. Such system shall be approved by the State Board of Examiners.

Present contracts not invalidated.

Section 19. Nothing contained in this act shall be so construed as to invalidate any contracts or agreements made by the present State Highway Commission previous to the passage of this act.

Transfer to commission created by this act.

Section 20. It shall be the duty of the present State Highway Commission to turn over to the State Highway Commission, provided for in this act, all books, records, maps, papers, moneys, and all property of every kind belonging to the Commission and used by it in connection with the work of the office, and road construction.

Repealing Chapter 170, Laws of 1917.

Section 21. That Chapter 170 of the acts of the Fifteenth Legislative Assembly entitled "An Act to establish a State Highway Commission, defining its powers and duties, and providing for a State Highway Fund, and appropriating money therefor; Providing for obtaining the benefits of Federal aid under the act of Congress approved July 11, 1916, and repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana", be, and the same is hereby repealed, and all other acts in conflict herewith.

Section 22. This act shall take effect and be in full force from and after May 1st, 1921.

Approved March 5, 1921.

CHAPTER 208.

An Act Regulating the Business of Auditing and Abstracting Life Insurance Policies and Annuities, Providing for a License for the Conduct of Such Business and Prescribing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to audit insurance policy, without license.

Section 1. It shall not be lawful for any person, firm or corporation in the state of Montana to engage, or to advertise or to hold himself or itself out as engaged in the business of auditing or abstracting policies of life insurance or annuities, or of giving or affording any ad-

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vice, counsel or opinion with respect to the benefits promised under any policy of life insurance or annuity issued or proposed to be issued by any company authorized to transact the business of life insurance in this state, or the terms, value, effect, advantages or disadvantages thereof, or, directly or indirectly, to take or receive any commission or other compensation or reward in money, or otherwise, or directly or indirectly, to obtain or acquire any benefit or advantage in consideration of, return for, or as a result of, the auditing or abstracting of a policy of life insurance or annuity, or policies of life insurance or annuities, or the giving or affording of advice, counsel or opinion with respect thereto, or with respect to the plan of insurance of any such company, until a license shall have been issued to him or it by the commisssioner of insurance issuing to him or it so to act. Such licenses may be issued by the commissioner for the period of one year and shall be renewed annually. The fee for each such license issued or renewed shall be ten dollars, provided, however, that the provisions of this act shall not apply to attorneys or certified public accountants, furnishing advice or information to their clients in the regular and ordinary course of their business.

License by whom issued.

Fee.

Attorneys and accountants excepted.

Application to be filed.

Section 2. No license shall be granted under this act until the person, or if it be a firm or corporation, then the person or persons representing such firm or corporation, applying therefor, shall have filed with the commissioner of insurance an application duly signed and verified by him or them, which application shall be in the following form, to-wit:

To the Commissioner of Insurance of the State of Montana:

Form of.

I hereby make application for a license to audit and abstract policies of life insurance and annuities and to give counsel and advice with respect to such policies of life insurance and annuities, and the plans of insurance of corporations authorized to transact the business of life insurance in the State of Montana, and make the following statement on oath:

First, I will not violate any of the insurance laws of this state during the term of the license applied for if issued;

Second, I will not deceive any applicants for insurance or misrepresent any of the terms or conditions of any policy of life insurance or annuity, or the financial re-

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sponsibility or business practices of any life insurance company authorized to transact business in this state;

Third, I will not upon the basis of any incomplete comparison or misrepresentation, advise or persuade, or attempt to persuade any person to drop or discontinue any insurance that he may have with any company or association during the term of such insurance for the purpose of taking insurance in any like company or association, or otherwise.

Additional inquiries.

The commissioner of insurance shall have authority to address any additional inquiries to any such applicant, and the entire application shall be sworn to and signed by the applicant.

Refusal to grant license on hearing.

Section 3. The Commissioner of insurance shall have the power after a hearing to refuse to grant any license requested under the provisions of this Act, should he be satisfied the person, firm or corporation applying therefor is not a proper or fit person, firm or corporation to be permitted to engage in such business within this state.

Revocation of license.

The commissioner of insurance shall have power to revoke for cause shown and upon hearing given to all parties concerned, any license issued by him under the provisions of this Act; Provided, That any action taken by the commissioner of insurance under the provisions of this section shall be subject to review by any court of competent jurisdiction.

Court, review by.

Additional information.

The commissioner of insurance may at any time require such additional information from such person, firm or corporation, which, in his judgment, may be deemed necessary to enforce the provisions of this act.

Penalty for violation of Act.

Section 4. Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both such fine and imprisonment in the discretion of the court, and upon the conviction of any person, firm or corporation licensed under this act, of any violation of the provisions thereof, the commissioner of insurance shall revoke the authority of such person, firm or corporation to act under such license within the state of Montana for a period of not less than one year.

Section 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 209.

An Act to Provide for the Form, Preparation and Determination of Budgets for the Expenditure of County Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Budget, preparation by counties.

Section 1. That the State Examiner of the State of Montana shall annually prepare and submit to the County Commissioners of the several Counties of the State of Montana, a form or forms for the preparation of budgets or a budget system of expenditures of public moneys for all County Officers, Institutions and Agencies, including the Boards of County Commissioners, of the several Counties of the State of Montana.

Budget to be filed when.

Section 2. Not less than sixty (60) days prior to the day upon which the Board of County Commissioners of the several Counties of this State shall meet to fix and determine the levy upon the property within their Counties for taxation purposes, each and every and all County Officers, including Boards of County Commissioners, and the heads or persons in charge and control of County Institutions and Agencies shall, upon the forms prepared by the State Examiner, submit and file with the Clerk of the Board of County Commissioners of their respective Counties, a budget or estimate of the necessary expenditures and need for funds of their respective offices, institutions or agencies, including expenditures for general, contingent, road, bridge and poor funds, for the next fiscal year.

Budget, publication of

Section 3. During the first week of the calendar month of July of each year, the County Commissioners of the several Counties shall cause to be published in the official newspaper of the County, each and every and all of the proposed budgets of estimate of necessary expenditures of the several County Officers, including County Commissioners, Institutions and Agencies of the County as filed with the Clerk of said Board, according to the provisions hereof. Setting forth in said notice the day upon which the County Commissioners will approve, amend or disapprove such budgets or estimate of expenditures, which shall be not later than the second Monday in August of each year.

Notice, contents of.

Examination of budget.

Section 4. Upon the day fixed in the notice, the County Commissioners shall proceed to examine such budgets or application for expenditures as may have been

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filed with the Clerk of said Board, and proceed to approve, amend or disapprove the same; and said budgets or estimate of expenditures as shall be finally fixed and determined by the Board of County Commissioners in accordance with provisions of this law, shall be the budgets and estimate of expenditures of the several county officers, institutions and agencies, including the Boards of County Commissioners. The Board of County Commissioners shall in accordance with the provisions of the laws of this State, fix and determine tax levies sufficient to provide and care for and make funds available for all such budgets of all county officers, institutions and agencies.

Tax levies, how made.

Section 5. Each and every and all County Officers, institutions and agencies, including Boards of County Commissioners, shall be limited in their expenditures for the fiscal year for which such budget was made, to the amount and in the manner as in such budget, as finally approved, shall be set forth, provided that should any emergency or just cause arise for the allowance of a greater sum or sums for any particular office, officer, institution or agency of the county, and the County Commissioners shall have determined that such is an emergency or just cause for the allowance of the additional amount, they may permit expenditures to be made for such emergency or just cause and include the same in their estimate for tax levy in the succeeding fiscal year.

Limitation upon expenditures.

Emergency expenditures.

Section 6. All budgets or applications for expenditures prepared and filed in accordance with the provisions hereof, shall be public records, and no warrant shall be drawn for any expenditure except those provided for in said budget.

Budget is public record.

Section 7. Nothing in this Act shall be construed as defining the district courts as county officers, institutions or agencies nor shall such district judge or courts be required to file a budget or application for expenditures as herein contemplated.

District courts not affected by Act.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect upon its passage and approval.

Approved March 5, 1921.

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CHAPTER 210.

An Act Permitting the State of Montana to Be Made a Party in Actions Effecting the Title to Real or Personal Property in Which the State of Montana Has, or Claims to Have, an Interest by Virtue of Moneys Loaned under the Provisions of Chapter Twenty-one, Laws of the 15th Legislative Assembly, Extraordinary Session, and Providing the Method of Service of Process.

Be it enacted by the Legislative Assembly of the State of Montana:

State may be made party to certain actions.

Section 1. That in any action or proceeding brought in any District Court of the State of Montana effecting the title to real or personal property in which the State of Montana has, or claims to have, an interest or claim by virtue of moneys loaned or advanced under and by virtue of the provisions of Chapter Twenty-one, Laws of the 15th Legislative Assembly, Extraordinary Session, the State of Montana may be made a party defendant to such actions or proceedings and its rights or interests adjudicated, Provided, however, that in no event shall any money judgment be rendered against the State of Montana in any action or proceeding brought under the provisions of this act.

Money judgment not to be rendered.

Service of process on attorney general.

Section 2. That in any action or proceeding commenced under the provisions of this Act, to which the State of Montana shall have been made a party, service of process upon the State of Montana, shall be made upon the Attorney General thereof.

Section 3. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 211.

An Act Relating to the Employment of Honorably Discharged Soldiers and Sailors of the United States, and Their Widows, in the Public Departments and upon All Public Works of the State of Montana and of the Counties Thereof, and Providing for the Recording of Certificates of Honorable Discharge of Said Soldiers.

Be it enacted by the Legislative Assembly of the State of Montana:

Soldiers preferred for employment on state works.

Section 1. In every public department, and upon all public works of the State of Montana, and of any County

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thereof, honorably discharged union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the late war with Germany and her allies shall be preferred for appointment and employment; age, loss of limb or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity, competency and education to discharge the duties of the position involved; provided, however, that none of the benefits of this Act shall accrue to any person who refused to serve on active duty in the Military Service to which attached or to take up arms in the defense of the United States.

Physical impairment not disqualification.

Objectors to service excepted.

Section 2. It shall be the duty of the County Clerk of any County of the State of Montana to record, without charge, in a book kept for that purpose, the certificate of discharge of any honorably discharged soldier, sailor or marine who served with the United States Forces in any of said wars.

Certificate of discharge to be filed.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 212.

An Act to Amend Section 65, Chapter 146, of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as Amended by Chapter 145 of the Session Laws of the Fourteenth Legislative Assembly, Relating to and Providing for the Keeping of Books and Records by Irrigation Districts, and the Inspection Thereof by the State Examiner and Officers and Employes of the United States Government, and Prescribing the Duties and Compensation of the Secretary of the Board and Duties of the County Treasurer and of the County Attorney, and Prescribing Penalties for a Failure to Comply with the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 65, Chapter 146, Laws of 1909, as amended by Chapter 145, Laws of 1915.

Section 1. That Section 65 of Chapter 146 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana, as amended by Chapter 145 of the Session Laws of the Fourteenth Legislative Assembly be, and the same is hereby amended to read as follows:

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Records of Irrigation District to be kept.

"Section 65. It shall be the duty of the Board of Commissioners to keep or cause to be kept a full and complete book and records of the accounts, records, contracts, securities, minutes of meetings and other matters of every kind pertaining to or belonging to the Irrigation District, in the form prescribed by the State Examiner.

Forms prescribed by state examiner.

It is hereby made the duty of the State Examiner to prescribe such forms for the use of Irrigation Districts, and to examine the same as provided by law for the examination of the affairs of County officers.

Fee for examination.

The District shall pay the State Examiner a fee of Twenty-five ($25.00) Dollars for each of such examinations made by him.

Records open to inspection.

Such books and records shall be open to the inspection of any land owner of the District in the same manner as other public records.

Ouster proceedings for failure to comply.

The failure of the Board of Commissioners to comply with the provisions of this Section shall be grounds for removal from office and it is hereby made the duty of the County Attorney of any County in which such Irrigation District is situated to bring and prosecute ouster proceedings against any Commissioner or Commissioners, and the cost and expense thereof shall be a charge against such Irrigation District, to be paid as are other bills against such districts.

Expense of.

In case any District is appointed Fiscal Agent of the United States, or by the United States is authorized to make collections for or on behalf of the United States in connection with any Federal Irrigation Project, such Board of Commissioners, or the Secretary thereof, shall at any time allow any officer or employe of the United States, when acting under the orders of the Secretary of the Interior, to have access to all books, records and vouchers of the District which are in possession or control of the secretary, or of said Board.

U. S. officer may inspect books.

Annual report to be filed.

It shall be the duty of the Board of Commissioners to file with the County Clerk and Recorder of the County in which the district is located, annually, within ten days from and after March 1st of each year, a sworn report showing the assets and liabilities of the district, the amount of money received during the preceding year, and the amount expended during said time, and shall cause said report to be published at least once in the official newspaper of such County.

Salary of secretary.

Section 2. The member of the Board acting as Secretary or any person appointed by the Board as Secretary for the District, shall receive such compensation for his services as may be allowed by the Board, and it shall be

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the duty of the Secretary to keep the books and records of accounts, contracts, securities and other records, and to perform his duties promptly each month; to make a monthly reconcilement of his accounts with the County Treasurer. It shall be the duty of the County Treasurer to make a monthly report to the Secretary of all receipts, disbursements and balances. A failure by the Secretary to comply with the provisions of this Section shall cause a forfeiture of his salary, and he shall be removed from office by the Board.

Duties of.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 213.

An Act Amending Section 7891 of the Revised Codes of Montana of 1907, as Amended by Chapter 41 of the Session Laws of 1913, Relating to the Competency of Witnesses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7891 of the Revised Codes of Montana, of 1907, as amended by Chapter 41 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, be and the same is hereby amended to read as follows:

Amending Section 7891, Revised Codes, as amended by Chapter 41, Laws of 1913.

"Section 7891. The following persons cannot be witnesses:

1. Those who are of unsound mind at the time of their production for examination.

Witnesses, who may not be.

2. Children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

3. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted against an executor or administrator upon a claim or demand against the estate of a deceased person, as to the facts of direct transactions or oral communications between the proposed witness and the deceased, excepting when the executor or administrator first introduces evidences thereof, or when it

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appears to the court that, without the testimony of the witness, injustice will be done.

4. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted against any person or corporation, as to the facts of direct transactions or oral communications between the proposed witness and the deceased agent of such person or corporation, and between such proposed witness and any deceased officer of such corporation, except when it appears to the Court that without the testimony of the witness injustice will be done."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 214.

An Act to Authorize Valuation of Bonds and Other Securities Held by Life Insurance Companies, Assessment Life Associations and Fraternal Beneficiary Associations by the Amortization Method.

Be it enacted by the Legislative Assembly of the State of Montana:

Valuation of bonds of life insurance company.

Section 1. All bonds or other evidences of debt having a fixed term and rate held by any life insurance company, assessment life association or fraternal beneficiary association authorized to do business in this State may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the Commissioner of Insurance shall have full discretion in determining the method of calculating values according to the foregoing rule.

Method of valuation.

Commissioner of Insurance to determine method.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 215.

An Act to Amend Section 6155 of the Revised Codes of Montana, Relating to Assignments for the Benefit of Creditors, as Amended by Chapter 180 of the Laws of the Sixteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 6155, Revised Codes, as amended by Chapter 180, Laws of 1919.

Section 1. That Section 6155 of the Revised Codes of the State of Montana, as amended by Chapter 180 of the Laws of the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 6155, A.—Conditions of disposal and conversion. Until the inventory and affidavit required by Section 6148 (4522) and 6149 (4523) have been made and filed, and the assignee has given bond as required by the last section, the assignee for the benefit of creditors has no authority to dispose of the estate or convert it to the purposes of the trust. But in case the assignor shall fail to present such inventory within the twenty days required, then the assignee, before the ten days shall have elapsed, may apply to said District Judge by verified petition, for leave to file a provisional bond, until such time as he may be able to present the inventory as hereinbefore provided. The district judge shall, in the case provided in Section 6149 (4523), and may also at any time, on the petition of one or more creditors, showing misconduct or incompetency of the assignee, or on petition of the assignee himself, showing sufficient reason therefor, and after due notice of not less than five days to the assignor, assignee, surety and such other persons as such judge may prescribe, remove or discharge the assignee, and appoint one or more in his place, and order an accounting of the assignee so removed or discharged, and may enjoin said assignee from interfering with the assignor's estate, and make provision by order for the safe custody of the same, and enforce obedience to such injunction and orders by attachment; and, upon his discharge, upon his own application, such assignee's bond shall be canceled and discharged. The new assignee shall give a bond, to be approved as required. The district judge shall have power, by order, to require or allow any inventory or schedule filed to be corrected or amended, and also to require and compel, from time to time, supplemental inventories or schedules to be made and filed

Assignee not to dispose of estate, when.

Bond of assignee.

Judge may remove assignee.

Bond cancelled.

Bond of new assignee.

Amendments.

Supplemental inventories.

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within such time as he shall prescribe, and to enforce obedience to such orders by attachment.

Notice to creditors, how given.

B.—Notice to Creditors to present claims. The Judge may, upon the petition of the assignee, authorize him to advertise for creditors to present to him their claims, with the vouchers therefor, duly verified, on or before a day to be specified in such advertisement, not less than ten days from the publication thereof, which advertisement or notice shall be published in one newspaper, to be designated by the Judge, as most likely to give notice to the persons to be served, at least once and such additional times as the Judge may direct; the last publication shall be at least one week prior to the date specified.

Creditors' claims, contents of.

Said verified claims of creditors shall set forth whether any, and if so, what securities are held for such claims, and whether any, and if so, what payments have been made thereon.

Notice to interested parties, how given.

C.—Notices to parties interested in the Estate as Creditors or otherwise.—Parties interested in the estate as creditors, or parties otherwise interested, if the Judge so directs, shall have at least ten days' notice by mail to their respective addresses as they appear in the schedule filed by the assignor, or at such other addresses as they shall have filed with the assignee of (a) all proposed sales of property, in bulk, (b) the filing of the final account of the assignee and of the hearing thereon, (c) any proposed compromise with creditors. Such notice may be given as the Judge shall direct and must be returnable in court, or before the Judge of the court, at chambers in the district.

Assignee, duties of.

D.—Duties of Assignee.—It shall be the duty of the assignee to collect and reduce to money the property of the estate, close up the estate as expeditiously as possible; to sell the property of the estate as soon as practicable, and to sell the accounts and bills receivable when deemed advisable; furnish such information concerning the estate as may be requested by parties in interest; keep regular accounts, pay dividends as often as is compatible with the best interests of the estate; file a final report and account at least ten days before the hearing thereon.

Powers of court.

E.—Power of Court.—The Court shall have power:

Conduct of business.

1. To authorize the business of the assignor to be conducted for a limited period by assignee, if necessary in

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the best intersts of the estate, and allow additional compensation for such services.

Reopen estates.

2. To reopen estates when it appears they were closed before being fully administered, and for that purpose to appoint another assignee who will take title to the property not administered upon.

Payment of creditors without claim.

3. To direct upon the final settlement of the estate that the assignee pay to the lawful creditors their proportionate dividend, notwithstanding their claim has not been presented in accordance with the notice sent out by the assignee, provided, that four months have not elapsed since the first publication of notice to creditors.

Final report approval of.

4. To approve the final report and to discharge the assignee and his surety, from all further liabilities upon matters included in the accounting, to creditors appearing and to creditors not having appeared after due citation, or not having presented their claims after due advertisement.

Section 2. That all Acts and parts of Act in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 216.

An Act Creating a Department of Agriculture, Labor and Industry and Defining Its Power and Duties, Designating a Commissioner of Agriculture, Labor and Industry as the Chief Executive Office of Said Department, and Defining His Compensation, Powers, and Duties; Abolishing the State Board of Horticulture, the State Horticulturist, the Board of Directors of the State Fair, the State Dairy Commissioner, the Board of Dairy Commission Examiners, the Department of Labor and Industry, the Department of Agriculture and Publicity, the Grain Grading Inspection and Warehousing Commission of the State of Montana, and the State Board of Poultry Husbandry; Repealing the Following Acts and Parts of Acts of the State of Montana, and All Acts and Parts of Acts in Conflict Herewith: Sections 1, 2, 3, Including Section 3—as Contained in Said Section 3 and Sections 4, 5, 6, 7, 8, 11, 12, 13 and 14 of Chapter 199 of the Laws of the Sixteenth Legislative Assembly of 1919; All of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of 1919 Save and Except Sections

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25 and 28 Thereof; Sections 1917 to 1923 Inclusive of the Revised Codes of 1907 as Amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Section 1923-A of Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911 as Amended by Section 1 of Chapter 90 of the Laws of the Sixteenth Legislative Assembly of 1919; Sections 1924, 1925, 1927, 1930, 1931, 1932, 1933, 1934, 1936, 1937, 1938, 1939, and 1940 to 1944 Inclusive of the Revised Codes of 1907 as Amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Sections 3 to 11 Inclusive of Chapter 47 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 55 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 15 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 56 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 132 of the Laws of the Fourteenth Legislative Assembly of 1915; Chapter 127 of the Laws of the Sixteenth Legislative Assembly of 1919; Chapter 69 of the Laws of the Thirteenth Legislative Assembly of 1913.

Be it enacted by the Legislative Assembly of the State of Montana:

Department of Agriculture, Labor and Industry, creation of.

Section 1. There is hereby created a department of the government of the State of Montana to be known as the "Department of Agriculture, Labor and Industry." The general purpose of said department is the promotion of the agricultural and labor interests of the State of Montana as hereafter more specifically provided.

Commissioner, appointment and term of office.

Section 2. The chief executive officer of the department of Agriculture, Labor and Industry, hereinafter referred to as the Commissioner of Agriculture, shall be a Commissioner of Agriculture, to be appointed by the Governor, by and with the consent of the Senate, and such commissioner shall hold office for a term of four years or until his successor is appointed and qualified.

Oath of office.

Bond.

Salary.

Expenses.

Section 3. Before entering upon the duties of his office, the Commissioner of Agriculture shall take and subscribe the constitutional oath of office, and shall give a surety company bond in the sum of $5,000 conditioned for the faithful performance of his duties, the cost of said bond to be paid by the state. The Commissioner shall receive an annual salary of $5,000 payable in the same manner as the salaries of other state officers, and shall be allowed such expenses as may be actually and neces-

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sarily incurred in the performance of his duties. He shall maintain his office at the State Capitol. Office at capitol.

Section 4. The Commissioner of Agriculture is empowered to prescribe regulations not inconsistent with law for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents and property pertaining thereto. He shall also have authority to designate the form of and to use a seal to authenticate his official acts. Commissioner to prescribe rules.

Section 5. The Commissioner of Agriculture shall have the authority to appoint for the performance of the work of said department such number of secretaries, assistants, clerks, and other employees as he shall deem necessary for the performance of the work of the department, subject, however, to the approval of the State Board of Examiners. All persons so employed shall receive the compensation fixed by law or fixed by the board or department to whom may be entrusted the power to fix the compensation of deputy state officers and employees; if not so fixed, the Commissioner of Agriculture shall determine the amount of said compensation. No employee of the Department of Agriculture, Labor and Industry who is paid a fixed compensation shall receive pay for any extra services rendered by him unless expressly authorized by law. Appointment of secretaries. Compensation of employees. Extra services.

Section 6. The Commissioner of Agriculture shall annually on or before the first day of December, and at such other times as the Governor may require, make a report in writing to the Governor concerning the condition, management, and financial transactions of his department. Report to Governor.

Section 7. The Department of Agriculture, Labor and Industry shall have power and it shall be its duty: Powers of department.

1. To encourage and promote, in every practicable manner, the interests of agriculture, including horticulture and apiculture, domestic arts, dairying, cheese making, poultry raising, the production of wool, and all other allied industries. Promote agriculture.

2. To collect and publish statistics relating to the production and marketing of crops and live stock, and of beef, pork, poultry, fish, mutton, wool, butter, cheese and other agricultural products so far as such statistical in- Statistics.

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formation may be of value to the agricultural and allied interests of the state.

Farmers' institutes.

3. To assist, encourage and promote the organization of farmers' institutes, horticultural and agricultural societies, the holding of fairs, livestock shows or other exhibits of the products of agriculture.

Standards for farm products.

4. To establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products.

System of distribution.

5. To co-operate with producers and consumers in devising and maintaining economical and efficient systems of distribution, and to aid in whatever way may be consistent or necessary in accomplishing the reduction of waste and expense incidental to marketing.

Market news service.

6. To have authority to maintain a market news service, including information as to crops, freight rates, commission rates, and such other matters as may be of service to producers and consumers, acting as a clearing house for information between producer and consumer.

Information on prices.

7. To gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement of farm products.

Investigate practice of commission brokers.

8. To investigate the practices and methods of factors, commission merchants and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grain, dairy products, eggs, livestock, vegetables, or other farm products, to the end that the distribution of such commodities through such factors, commission merchants and others shall be efficiently and economically accomplished without hardship, waste or fraud.

Co-operate with college and Federal departments.

9. To co-operate with the State College of Agriculture, the Agricultural Experimental Stations and the Federal Government to the end that all available agencies may be employed, to the best advantage, for the betterment of the Agricultural industries of the state, for the improvement of country life and for promoting equality of opportunity for the farmers of the state.

To assist homeseekers.

10. To ascertain, as far as possible, what conditions make for the success of a homeseeker and what conditions make for his failure, and to assist in remedying such of the conditions which make for failure as are capable of remedy. To examine or cause to be examined upon application of any land colonization company or lands proposed for colonization, and to certify his findings when conditions warrant:

Colonization company, examination of.

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(A) That the land is suitable for agriculture purposes.

(B) That the location of the land with reference to public roads and shipping facilities, is favorable to colonization development.

(C) That the plan of colonization in each instance is in the interest of the settlers or homeseeker.

(D) That the terms of payment are on the amortization plan.

(E) That satisfactory assurance has been given to the Commissioner that the plan of colonization adopted will not be changed to the detriment of the homeseeker.

State Fair, to conduct.

11. To conduct and manage the State Fair and to have custody of the State Fair grounds, buildings and other property belonging thereto.

Property, to hold.

12. To take and hold in the name of the State of Montana property, real and personal, acquired by gifts, subscriptions, donations and bequests.

Personal property to hold and sell.

13. To sell and dispose of personal property owned by it in such manner as the Commissioner may provide, when in the judgment of the department such sale or disposal best promotes the purposes for which the department is established.

To contract.

14. To contract with the approval of the State Board of Examiners in respect to any matter within the scope of its authority.

Divisions of department.

Section 8. For the purpose of the orderly administration of the affairs of the Department of Agriculture, Labor and Industry, the same shall be organized into divisions, which divisions shall have charge of the matters hereinafter designated, and such other matters properly within the scope of the department, as shall be allotted to them by the Commissioner of Agriculture.

Four main divisions.

Section 9. There shall be four main divisions of the Department of Agriculture, Labor and Industry, to-wit:

The Division of Farming and Dairying.

The Division of Grain Standards and Marketing.

The Division of Horticulture.

The Division of Labor and Publicity.

Purpose of divisions.

The Divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged in the work of a particular division from perform-

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ing the work of another division; the Commissioner may likewise create additional divisions at his discretion.

Duties of Division of Farming.

Secton 10. The Division of Farming and Dairying. The Department of Agriculture, Labor and Industry, through the Division of Farming, shall enforce all the laws of Montana now existing or hereafter enacted for the protection and regulation of the farming industry in Montana; it shall also make a special study of the conditions of farm life in Montana and the problems of marketing and distribution of farm products, and shall from time to time, make recommendations to the Governor concerning needed legislation upon said subjects; it shall enforce the provisions of Chapter 12 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, Relating to the purity of agricultural seeds, and of Chapter 40 of the Laws of the Sixteenth Legislative Assembly of 1919, relating to the eradication of the Barberry plant, and of Chapter 61 of the Laws of the Thirteenth Legislative Assembly of Montana of 1913, relating to the control of insect pests and plant diseases. The word "farming" as used in this section shall not be deemed to include Horticulture, nor the regulation of the livestock industry.

Enforce laws.

Farm life.

Pure seeds.

Barberry plant.

Insect pests.

"Farming" not to apply to live stock.

Advertise poultry raising.

Section 11. The Division of Farming and Dairying shall investigate and bring to the attention of the public the value and importance of poultry raising in Montana, and shall publish for free distribution reports and bulletins pertaining to the advancement of poultry husbandry. Said Division shall also supervise and promote local poultry associations, and shall supervise the holding of an annual State Poultry Exhibition.

Promote apiculture.

Section 12. The Division of Farming and Dairying shall regulate and promote the business of apiculture in Montana, and shall be charged with the duty of instructing the bee keepers of Montana in the approved methods of bee keeping and management of apiaries, control of bee diseases, and other matters pertaining to the promotion of the bee keeping industry in Montana. The Commissioner of Agriculture shall have authority to prescribe such regulations as in his judgment may be necessary to eradicate, prevent or control the introduction and dissemination of American or European foul brood of bees.

Eradicate foul broods of bees.

Authority in reference to bees includes what.

The authority hereby given shall include the power to order the transfer of clans of bees from hives or containers which cannot be easily examined for brood diseases

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to other hives or containers; to order the destruction of infected or contaminated bees, bee hives, brood combs, and other equipment; or to order the disinfection thereof; to define and prescribe the limits of apiary control districts; quarantine any apiary or district where foul brood or any dangerous or infectious disease is present; to prevent the removal from such quarantined apiary or district of bees, used bee supplies or equipment, excepting under permit, or to issue or withhold such permits. The Commissioner may refuse such permit whenever necessary in his judgment to prevent the dissemination of any bee diseases or until he shall have ascertained whether or not such disease is present. No person shall sell or offer for sale any apiary, bees, comb, or used bee keeping apparatus within a quarantined district without a permit from the Commissioner of Agriculture. The Commissioner of Agriculture shall have authority, and it shall be his duty upon request of owners or of not less than three resident bee-keepers to visit and examine, either personally or by deputy, any apiary for the purpose of ascertaining the existence of diseases among bees or brood. The Commissioner of Agriculture is hereby authorized to employ temporarily some competent and qualified person to make the inspection and to perform the other duties relative to apiaries imposed upon the Commissioner by the terms of this act.

Division of Poultry Husbandry and Apiculture.

Section 13. The Commissioner of Agriculture may, in his discretion, create a separate division to have charge of the subject of Poultry Husbandry and Apiculture.

Dairying, regulation of.

Section 14. The Department of Agriculture, Labor and Industry, through the Division of Farming and Dairying shall have general regulation of the industry of dairying in the State of Montana, save and except as to the sanitary inspection of dairies, creameries, butter and cheese factories, and receiving stations, which said duties shall be administered by the Livestock Sanitary Board. It shall be the duty of the Department of Agriculture, Labor and Industry to compile and publish statistics concerning all phases of the dairy industry in the state, and to encourage and advertise said industry in every possible manner; to carry on a campaign of education in conjunction with the extension work of the College of Agriculture and Mechanic Arts of Montana for the purpose of encouraging interest in the dairy industry and of furnishing scientific and practical information concerning the same.

Statistics on dairying.

Extension work of college.

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Samples of dairy products, tests of.

It shall be the duty of the Department of Agriculture, Labor and Industry to provide suitable means for the taking of samples of dairy products and of all imitations thereof suspected of being made or sold in violation of the law, and to analyze or test the same, and the Commissioner of Agriculture may require the State Chemist to test and analyze said samples.

Factories, registration of.

Section 15. It shall be the duty of every cheese factory, creamery, butter, and condensed milk factory, or skimming station in the state, where milk or cream is purchased or contributed by three or more persons, to register the location of such cheese factory, creamery, butter, and condensed milk factory or skimming station, and the name of its owner or manager, with the Commissioner of Agriculture on or before the first day of April of each year. Before the organization of any new factory, notice shall be given at once to said Commissioner of Agriculture. It shall likewise be the duty of each and all of the establishments in this section named to render to the Commissioner of Agriculture, within three days after the last day of each month, a monthly report of the amount of butter, ice-cream, or other dairy products handled or manufactured during the month.

New factories, organization of.

Report of factory.

Babcock test adopted.

Section 16. The Babcock test is hereby adopted as the official dairy test for use in the State of Montana.

Examination to operate test.

Every person operating the Babcock test in any creamery or cheese factory, or other place where milk or cream is bought and paid for on the basis of its fat contents, shall be required to pass such examinations as the Commissioner of Agriculture shall prescribe, upon the successful completion of which examination he shall receive a certificate, signed by said commissioner, stating his competency to operate said test. A fee of two dollars shall be paid to the Commissioner by the applicant for said certificate. Said money shall be turned in by said commissioner to the State Treasurer for the use and benefit of the general fund of the state.

Fee for certificate.

Test bottles, use of.

All test bottles, pipettes, and other glassware used in connection with the Babcock test, where the fat forms a basis for the payment of the product, shall be handled and calibrated by the Commissioner of Agriculture or his deputies, as often as the commissioner may prescribe such testing or calibrating to be done on the premises where such glassware is used. All bottles used for the purpose of making the Babcock test shall be standard

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bottles, and shall be designated as such by the word "standard" stamped thereon. Standard bottles to be used.

No owner, manager, agent, or employee of a cheese factory, creamery, or condensed milk factory shall falsely manipulate or under-read or over-read the Babcock test, or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test, or otherwise. False determination of test.

All acids used in Babcock tests shall be of the strength indicated by the specific gravity reading one and eighty-two hundredths on the standard hydrometer. Acids used.

Section 17. The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one cubic inches; the half gallon shall contain one hundred fifteen and five-tenths cubic inches, and the quart one-fourth as much as the gallon, and the pint one-half as much as the quart. Standard milk measure.

The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen ounces (avoirdupois weight) to the pound, when wrapped or put in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen ounces, each ounce containing four hundred and thirty-seven and one-half grains. Any person, persons, firm, or corporation selling or offering for sale any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen ounces, or the proper multiple thereof, to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; provided, a reasonable variance be permitted, and that tolerances shall be established by rules and regulations made by the Commissioner of Agriculture in accorance with the provisions of this Act. Standard butter measure.

That butter sold in the State of Montana, whether manufactured on a farm or in a creamery, must have the maker's name clearly written or printed on the package in which it is sold, and upon each pound package of butter so sold or offered for sale, the words "net weight sixteen ounces" shall appear. Maker's name on butter. Weight.

Section 18. All milk, butter, cheese, condensed milk, ice-cream, or any dairy products shipped into Montana for sale or use, must be produced under the same sanitary regulations and requirements as are required for the Foreign dairy products.

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production of such products in the state of Montana. The Commissioner of Agriculture shall have authority to require a sworn statement relative to the sanitary production of milk and other dairy products shipped into Montana, but produced outside of the State of Montana, and if such products are not produced under similar sanitary regulations and statutes, as required for the production of such products within the State of Montana, they shall not be sold, given away, traded, or used in the State of Montana.

Sworn statement as to sanitary production.

Duties of Division of Grain Standards and Marketing.

Section 19. The Division of Grain Standards and Marketing. The Department of Agriculture, Labor and Industry, through the Division of Grain Standards and Marketing, shall enforce all the laws of the State of Montana concerning the handling, weighing, grading, inspection, storage and marketing of grain, and the management of public warehouses.

Enforce laws.

"Public Warehouse", definition.

Section 20. The term "Public Warehouse" includes any elevator, mill, warehouse, or structure in which grain is received from the public for storage, shipment, or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill, or structure by common carrier. The term "public warehouseman" shall be held to mean and include every person, association, firm and corporation owning, controlling or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together, and the identity of the different lots or parcels is not preserved. The term "grain dealer" shall be held to mean and include every person, firm, association, and corporation owning, controlling, or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling in car-load lots. The term "track buyer" shall mean and include every person, firm, association and corporation who engages in the business of buying grain for shipment or milling in car-load lots, and who does not own, control, or operate a warehouse or public warehouse. The terms "agent", "broker", and "commission man" shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain, or of making sales or purchases for a commission.

"Public Warehouseman," definition.

"Grain dealer," definition.

"Track buyer," definition.

"Agent, etc.," definitions.

Expert tester of scales, employment of.

Section 21. The Commissioner of Agriculture shall employ an expert tester of scales, whose duty it shall be,

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under such rules and regulations as the commissioner may prescribe, to test the scales within this state where grain is weighed at public warehouses, as defined by this act. The person employed by the Commissioner of Agriculture as an expert tester of scales shall collect from each person, firm, co-partnership, or corporation, for each track scale tested, ten dollars, for each wagon scale, dump scale and shipping scale tested five dollars, and for each portable scale and grain tester tested one dollar.

Testing fees.

Section 22. The Commissioner of Agriculture shall appoint such number of inspectors, samplers and weighers as may be necessary to properly and thoroughly enforce the provisions of this act. Such inspectors shall be able to qualify under the terms and in accordance with the United States Federal Grain Stanards Act; no such inspector, sampler or weigher shall be interested directly or indirectly in the handling, sorting, shipping, purchasing or selling of grain or grain products.

Inspectors, appointment of.

Qualifications.

Section 23. Any inspector, sampler, or weigher, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample, or weigh any grain, or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler, or weigher, or any person, persons, corporation, or agent, who shall improperly influence, or attempt to improperly influence, any inspector, sampler, or weigher in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Neglect of duty, consists of what.

Misdemeanor.

Penalty.

Section 24. Such cities and towns where grain is received in carload lots may be designated by the Commissioner of Agriculture as inspection points, and be provided with state inspection and weighing, provided, that the expenditures for the inspection and weighing at the points designated by the Commissioner shall not exceed the receipts of fees at such point or points. The Commissioner may also assign deputy inspectors to such territory or portions of the state as it may determine to be necessary, and it shall be the duty of such deputy inspectors to inspect grain delivered in less than carload lots in such territory or portions of the state to which

Inspection points, what are.

Deputy inspectors, appointment and duties.

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they may be assigned, to furnish producers within such territory or portions of the state with such inspection as shall enable them to determine the grade of their grain, and to perform such other duties as the Commissioner may prescribe.

Charges how regulated.

Section 25. All charges made by any public warehouseman subject to the provisions of this act, for the handling or storage of grain, shall be just, fair, and reasonable, and the Commissioner of Agriculture is hereby vested with power and authority, upon the complaint of any person interested, or by inquiry upon its own motion, after a full hearing, to declare any existing charge for the handling or storage of grain, or any regulation whatsoever affecting such charge, or the receipt, handling, or storage, to be unreasonable or unjust, and to declare and order what shall be a just and reasonable charge or regulation to be imposed or enforced in place of that found to be unreasonable or unjust.

Standard grades of grain, how fixed.

Section 26. The Commissioner of Agriculture shall fix and establish standard grades to apply to all grain bought or handled by public warehouses in this state. The Commissioner of Agriculture shall adopt as state grade standards all grades for grain now or hereafter established by the United States Department of Agriculture. Standards for grain, other than those fixed as above, shall be established by the Commissioner of Agriculture after due notice and public hearing, notice thereof to be given by publication in three newspapers of the State, at least ten days prior to such hearing.

Alteration of standard.

Grade standards, or any alteration or modification of such standards which the Commissioner of Agriculture may establish, shall not become effective within thirty days after publication, except in the case of grades established by the United States Department of Agriculture, which shall become effective ten days after publication.

Hearing.

All interested persons desiring to be heard shall be permitted to give testimony, and such other witnesses may be subpoenaed as the Commissioner of Agriculture may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions, and shall be paid out of the fund created by the provisions of this Act. Such grain standards shall not apply to grain contracted for previous to their disposition.

Witnesses, expenses of.

Grain contracted for, not applicable to.

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The Commissioner of Agriculture shall, after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into, provided that the same shall not conflict with the terms of the United States Federal Grain Standard Act. Where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage in so far as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale. The Commissioner of Agriculture shall also make provisions for sample inspection of grain, make rules and regulations governing same, and provide that such inspection when made shall be final.

Dockage charge.

Sample inspection of grain, how made.

The Commissioner of Agriculture shall have power to require, after personal notice of not less than thirty days served upon any warehouseman and a public hearing, cleaning apparatus to be established where none now exists to remove dockage and the return of same to the owner, or its equivalent in value, less cleaning charges, which may be fixed by the Commissioner of Agriculture.

Cleaning apparatus for dockage.

The Commissioner of Agriculture shall, during the grain-marketing season, appoint such deputy inspectors as they deem necessary to visit the grain-growing districts for the purpose of investigating grain grading, dockage, and weighing and enforcing the rules and regulations laid down by the Commissioner.

Deputy grain inspectors.

It shall be the duty of the Commissioner of Agriculture, immediately after the establishment of such grades, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply all public warehousemen, which the records of his office show are then or thereafter engaged in operating such warehouses, with a copy of such grades, rules, and regulations. It shall be the duty of every public warehouseman to keep such copy on file in a convenient place in every such warehouse, and if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office, and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows: "A copy of Montana grades, rules, and regulations is on file here for information of interested parties."

Grades and rules to be supplied.

Copy of grades to be filed by warehouseman.

Notice of.

Every such warehouseman shall exhibit such copy of grades, rules, and regulations to any interested party

Exhibition of rules.

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applying therefor at any such warehouse or office, and permit such interested party to examine and consult such copy.

Fees for inspection.

Section 27. The Commissioner of Agriculture shall fix the fees for inspection and weighing of grain, and such fees shall be a lien upon such grain until paid.

Lien for fees.

Authority of inspectors.

Section 28. The inspectors, samplers and weighers shall, at places provided for state inspection, have exclusive control of the weighing and grading of grain to be inspected, and the certificates of such officers relative to such weighing and grading, shall be conclusive upon all parties interested. Suitable books and records shall be kept, in which shall be entered a faithful and true record of every car-load of grain inspected or weighed by them, and showing the number of and initial or other designation of the car containing such carload, its weight, the kind of grain and its grade, and if graded below standard No. 1 grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of the same, and for each car of grain they shall give a certificate of inspection, showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any. They shall also furnish the agent of the Railroad Company, or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Charge against inspector.

Section 29. Upon written complaint filed with the Commissioner of Agriculture, charging an inspector, sampler, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the Commissioner of Agriculture shall investigate such charges, and if it be found sustained shall remove such officer.

Appeal from grading.

Section 30. In case any owner, consignee, or shipper of grain, or any warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the Commissioner of Agriculture from such decision within ten days from the date of certificate,

Notice and fee for.

by giving notice of appeal and paying a fee to be fixed by the Commissioner of Agriculture, which shall be refunded if the decision appealed from is sustained. Such

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notice of appeal may be given by letter or notice to the Commissioner of Agriculture, stating that such party appeals from the decision of the inspector, and specifying the initials and numbers of the cars in which such grain was contained when inspected and graded.

List of persons interested.

The appellant shall also file with the Commissioner of Agriculture a list containing the names and addresses of all parties interested in the subject matter. It shall be the duty of the Commissioner of Agriculture, upon receiving such notice and list of interested parties, to immediately notify the parties interested of the time and place designated by it for a hearing, and at such time and place, which shall be five days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading, and such evidence shall be received as parties thereto may desire to offer. After such hearing, the Commissioner of Agriculture shall make such order affirming or modifying the grade so established by the inspector as the facts and evidence may justify.

Notice of hearing.

Order of commissioner.

Warehouseman to receive grain.

Section 31. Every public warehouseman shall receive for storage and shipment without discrimination of any kind so far as the capacity of his warehouse will permit, all grain tendered him in the usual course of business in suitable conditions for storage. A warehouse receipt, in form prescribed by law and the rules and regulations of the Commissioner of Agriculture, shall be issued and delivered to the owner, or his representative, immediately upon receipt of such load or parcel of grain.

Warehouse receipt.

Delivery on return of receipt.

Section 32. Upon the return of the receipt to the proper warehouseman, properly indorsed, and upon payment or tender of all advances and legal charges, grain of the grade and quantity named therein shall be delivered to the holder of such receipt within forty-eight hours after the facilities for receiving the same have been provided, or such warehouseman shall deliver such grain at terminal, or the equivalent market value thereof on said date, less any freight charges to terminal, and such other charges and commissions as may be allowed by the Commissioner of Agriculture.

Instructions as to shipment.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouseman with written instructions regarding the capacity of cars to be ordered from the transportation company, and as to the manner of loading and billing shipments made in such cars as are furnished

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by the transportation company. The warehouseman shall load and bill all such shipments in exact accordance with instructions given, and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the warehouse receipt, resulting from the failure of the warehouseman to follow accurately the loading and billing instructions as given him.

Report of warehouseman, contents of.

Section 33. On June 30th of each year every warehouseman shall make report, under oath, to the Commissioner of Agriculture, on blanks or forms prepared by him, showing the total weight of each kind of grain received and shipped from such warehouse licensed under the laws of Montana, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain on hand to cover the same. The Commissioner of Agriculture may also require special reports from such warehousemen at such times as the Commissioner may deem expedient. The Commissioner may cause every warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members, or by its authorized agent, whenever deemed proper, and the books, records, accounts, papers, and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection. Each person, firm, corporation, or association of persons operating any public warehouse or warehouses subject to the provisions of this act, and every track buyer, dealer, broker, or commission man, or person or association of persons, merchandising in grain, shall, on or before the first day of July of each year, give a bond with good and sufficient sureties, to be approved by the Commissioner of Agriculture, to the state of Montana, in such sum as the Commissioner may require, conditioned upon the faithful performance of the acts and duties enjoined upon them by law. Every person or persons, firm, co-partnership, corporation, or association of persons operating any public warehouse or warehouses, and every track buyer, dealer, broker, commission man, person or association of persons merchandising grain within the state of Montana, shall, on or before the first day of July of each year, pay to the state treasurer of the state of Montana a license fee in the sum of fifteen dollars for each and every warehouse, elevator, or other place, owned, conducted, or operated by such person or persons,

Special reports may be required.

Inspection of books.

Bond of warehouseman and dealer.

License fee paid to State Treasurer.

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firm, co-partnership, corporation, or association of persons, where grain is received, stored and shipped, and upon the payment of such fee of fifteen dollars for each and every warehouse, elevator, or other place where grain is merchandised within the state of Montana, the Commissioner of Agriculture shall issue to such person or persons, firm, co-partnership, corporation, or association of persons, a license to engage in grain merchandising at the place designated within the state of Montana, for a period of one year. Any person, firm, association or corporation, who shall engage in or carry on any business or occupation for which a license is required by this act, without first having procured a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been revoked (save only that a public warehouseman shall be permitted to deliver grain previously stored with him), shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense.

Issuance of license.

Operating without license, misdemeanor.

Penalty.

Section 34. In case grain is sold for delivery on Montana grade to be shipped from places not provided with state inspection under this act, the buyer, seller, or person making the delivery may have it inspected out by notifying an inspector, whose duty it shall be to have such grain inspected, and after it is inspected, to issue to the buyer, seller, or person delivering it, on request, an inspector's certificate showing the grade of such grain. The person or persons calling for such inspection shall pay for the same a reasonable fee, to be fixed by the Commissioner of Agriculture.

Inspection of grain at non-inspection point.

Certificate.

Fee for.

Grain that is shipped to points within the state where no inspection is maintained may be inspected on request of either the buyer or seller, and a certificate may be issued showing the grade of such grain. The charge for such service shall at least equal the entire cost thereof, and shall be paid by the party calling for the same.

Shipped within state, how inspected.

Cost, how paid.

Section 35. From all grain shipped to terminal warehouses, and from all grain inspected or weighed, samples may be drawn, which samples shall become the property of the state, and subject to disposition by the Commissioner of Agriculture, under such rules and regulations as the Commissioner may prescribe.

Samples of grain.

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Samples given chambers of commerce.

It shall be the duty of the Commissioner of Agriculture to transmit samples of grain, showing the standards thereof adopted, to such chambers of commerce, boards of trade, exporters and persons, firms, corporations, or associations handling and dealing in grain, as the Commissioner may designate, and upon request he shall furnish such samples to smaller parties in this state or the United States, under such reasonable rules and regulations as the Commissioner may prescribe.

Condition of car to be ascertained before inspection.

Section 36. All inspectors, samplers and weighers, before opening the doors of any car containing grain, upon arrival at any of the places designated by the Commissioner of Agriculture for inspection, shall first ascertain the condition of such cars, and determine whether any leakages have occurred while said cars were in transit, whether or not the doors were properly secured and sealed at point of shipment, and shall make a record of such facts in all cases, giving seal numbers.

Re-sealing car.

After such examinations have been made, the state officials shall securely close and re-seal such doors as have been opened by them, using the special seal of the Commissioner of Agriculture for the purpose.

Record of original seals.

A record of all original seals broken by said officials and the date when broken, and also a record number of said seals shall be made by them. An inspector, weigher, or sampler shall break the seal, weigh and superintend the unloading of all cars of grain subject to inspection, and it shall be unlawful for any other person, or persons to break the seal or weigh such cars of grain.

Unlawful for other person to break seal.

Grain weigher's license.

The Commissioner of Agriculture shall have power to require all persons, firms, corporations, or warehousemen engaged in weighing grain within the State of Montana to obtain a license, and prescribe rules and regulations governing the application for and the issuance of such licenses, but no fee shall be charged therefor, and any person, firm, corporation, or warehouseman, who shall weigh any grain without first having obtained said license, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

No fee for.

Misdemeanor.

Penalty.

Fees paid to State Treasurer.

All fees, licenses, and other charges collected under the provisions of this act shall be, by the person collecting the same, paid to the state treasurer of the State of Montana, and by said treasurer placed in the general fund.

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Duties of Division of Horticulture.

Section 37. The Division of Horticulture. The Department of Agriculture, Labor and Industry, through the Division of Horticulture, shall enforce all of the laws of the State of Montana now in force or hereafter enacted, relating to the protection and regulation of the industry of horticulture in the State of Montana.

Enforce laws.

Divide state into districts.

Section 38. For the convenient administration of the laws of the state relative to the industry of horticulture, the Commissioner of Agriculture may divide the state into horticultural districts, grouping the several counties in such manner as he may deem expedient.

Rules for inspection of trees.

Section 39. For the purpose of preventing the spread of contagious disease among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit and fruit trees, and for the disinfection of grafts, scions, and orchard debris, empty fruit boxes or packages, or other suspected material or transportable articles dangerous to orchards, fruit, and fruit trees, the Commissioner of Agriculture may prescribe regulations for the inspection, disinfection, or destruction thereof, which regulation shall be circulated in printed form by the Commissioner among fruit growers and fruit dealers of the State, and shall be published at least ten days in two newspapers of general circulation in the state, and shall be posted in three conspicuous places in each county in the state, one of which shall be at the county court house thereof. For further prevention of the spread of diseases dangerous to fruit and fruit trees, it shall be unlawful for any person, or persons, dealer or dealers, to allow, or caused to be used a second time, any crate, box, barrel, package, or wrapping once having contained fruit or nursery stock, except that at the written request of a nurseryman, an inspector may permit boxes or packages having contained nursery stock to be thoroughly fumigated by him or in his presence, at the expense of the nurseryman, for which said inspector shall give a receipt and duly mark the box or package; otherwise the destruction of the same must be made in its entirety, and the finding of such crate, box, barrel, package, or wrapping in possession of any person or persons, dealer or dealers, other than the consignee, shall be considered prima facie evidence of a violation of this act.

Regulations to be printed.

Publication of.

Crates not to be used second time.

Fumigation of crates.

Destruction of

Authority to destroy.

The Commissioner of Agriculture or his authorized representative is hereby authorized to seize and destroy by burning, without breaking, such crate, box, barrel,

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Prosecution.

package, or wrapping wherever found, and to prosecute said violator or violators.

Inspectors, appointment of.

Section 40. The Commissioner of Agriculture shall appoint inspectors of fruit pests in such number as he may deem necessary for the proper administration of the horticulture laws. Said inspectors shall be selected with reference to their knowledge and practical experience in horticulture. It shall be the duty of such inspectors to visit the nurseries, orchards, stores, packing houses, warehouses, and other places where horticultural products and fruits are kept within their respective district, and shall see that the regulations of the Department of Agriculture, Labor and Industry, and the laws of the state with reference to the disinfection of fruits, trees, plants, grafts, orchard debris and empty fruit boxes and other material shall be fully complied with. Said inspectors shall have access, at all times, to all orchards or places where horticultural products or supplies are kept or handled and shall have full power to enforce the rules and regulations of the Commissioner of Agriculture, and to order the destruction and disinfection of any or all trees, plants, fruits, or horticultural products or supplies when found to be infected.

Qualifications and duties.

Access to orchards.

Person to enforce laws, appointment.

Section 41. The Commissioner of Agriculture shall have the power to appoint some competent and qualified person to enforce the laws of the state relative to the grading and marketing of fruits and traffic and nursery stock, the control and destruction of insect pests, fungus and bacterial diseases, to enforce the law relative to the licensing of persons engaged in the business of selling or importing fruits, trees, plants or nursery stock in this state, and to supervise and direct the horticulture inspection service and the dissemination of horticultural knowledge.

Specialist may be employed, when.

Section 42. The Commissioner of Agriculture, subject to the approval of the State Board of Examiners, in special instances, may employ a specialist for the purpose of investigating the source, control and destruction of insect pests, fungus and bacterial diseases of orchards, trees, shrubs, plants or nursery stock in this state; such employment shall be for a period not exceeding six months in any one year, and shall be on such terms as may be agreed upon by the Commissioner of Agriculture and the State Board of Examiners.

Inspection upon sale and delivery.

Section 43. It shall be the duty of every person or persons, corporation or corporations, who sell or deliver

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to any person or persons, corporation or corporations, any trees, plants, vines, scions, or grafts not previously inspected under the provisions of this act, to notify the Commissioner of Agriculture, whose duty it shall be to notify the inspector of said district wherein such vines, etc., etc., are to be delivered, at least five days before said goods are to be delivered, giving the date and nursery or railroad station where said trees, plants, scions, etc., etc., are to be delivered, together with the name of the party or parties who are to receive the same. It shall be the duty of the inspector receiving said notice to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and if the same be found free from any and all diseases and pests, he shall so certify, and attach a certificate of inspection to each lot or bill or trees, grafts, plants, scions, etc., which said certificate must contain, a list of the said trees, grafts, scions, vines, or plants so inspected. But if any of the trees, grafts, scions, vines, or plants so inspected shall be found to be diseased or infested with any of the pests, as prescribed by the Commissioner of Agriculture, then the inspector shall order the disinfection or destruction of said trees, grafts, scions, vines, etc., etc., so diseased or infested, together with all boxes, wrapping, or packing pertaining thereto; provided, that when any fruit or nursery stock is condemned by any inspector, said inspector shall notify the owner thereof, who may appeal to the Commissioner of Agriculture, whose decision shall be final, and charge and collect the sum of ten dollars for the disinfection and inspection of each carload of said nursery stock, and a proportionate sum for less than carload lots, as fixed by the Commissioner; provided that the Commissioner of Agriculture shall have power to designate certain places as quarantine stations, where all nursery stock brought into the state shall be inspected and disinfected; provided, that the provisions of this act shall not apply to any plants known as greenhouse plants and grown under glass. For the inspection of fruit, a fee of two cents per box or package, with a maximum fee of five dollars for each separate lot or car shall be charged and collected. The inspector shall collect such fees and shall not give certificates of inspection until the fees are paid.

Certificate of inspection.

Disinfection or destruction.

Appeal from condemnation.

Fee for inspection.

Quarantine stations.

Inspection of fruit, fee for.

Section 44. If any person or persons in charge or control of any nursery, orchard, storeroom, packinghouse, or other place where horticultural products or supplies

Failure to comply with rules.

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are handled or kept, shall fail or refuse to comply with the rules and regulatons of the Commissioner of Agriculture, or shall fail or refuse to disinfect or destroy diseased or infected trees, plants, scions, vines, grafts, shrubs, or other horticultural supplies or products, when ordered so to do by the inspector of such district, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than three hundred dollars.

Misdemeanor.

Penalty.

Failure to comply with instructions.

Section 45. If any person, firm or corporation, or the legal representative of any person, firm or corporation, owning any orchard, tree, shrub or plant which is known to be infected with any injurious insect pest or disease and which thereby becomes a menace to the agricultural or fruit industry of this state shall fail, refuse or neglect to comply with the instructions of the Department of Agriculture, Labor and Industry, or its authorized representatives, for the eradication or control of such injurious insect pests or disease or the destruction of said infected orchard, tree, shrub or plant, if in the judgment of said Department, or its authorized representative, such destruction shall be deemed necessary, within the time specified by the said department, or its authorized representative, the said commissioner of Agriculture, or his authorized representative is hereby empowered to condemn, remove, or destroy any such orchard, tree, shrub or plant and if such owner or his legal representative shall fail, neglect or refuse to pay the cost of such removal or destruction of such orchard, tree, shrub or plant, within thirty days after due notice has been given by mailing to the owner at his last known post office address, then said cost and expense shall become a lien on the land of the owner and shall be added by the county treasurer to the taxes upon said property and collected as other taxes.

Condemnation.

Cost of destruction, lien on land.

Collection.

Shipping without certificate.

Section 46. Every person who, for himself or as agent for any other person or persons, corporation or corporations, transportation company, or common carrier, shall receive, deliver or turn over to any person or persons, corporation or corporations, any trees, vines, shrubs, nursery stock, scions, grafts and fruits without first having attached an inspector's certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than three hundred dollars.

Misdemeanor.

Penalty.

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Section 47. It shall be unlawful for any person, firm, or corporation to engage in, conduct, or carry on the business of selling, dealing in, or importing into this state for sale or distribution, any nursery stock, or to act as agent, salesman, or solicitor for any nurseryman or dealer in nursery stock, or to solicit orders for the purchase of nursery stock, without first having obtained from the Commissioner of Agriculture and having in force a license to do so, and it shall be unlawful for any person to falsely represent that he is an agent, salesman, solicitor, or representative of any nurseryman or dealer in nursery stock. No license shall be issued until the applicant therefor shall have attested to the application for a license furnished upon request by the Commissioner of Agriculture, paid the fee, and furnished the bond, as in this act required. The license fee shall be twenty-five dollars per annum for nurserymen and dealers in nursery stock, and all agents, salesmen and solicitors for licensed nurseries shall be granted salesmen's certificates free of charge. All licenses shall be in the name of the person, firm, or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurserymen or dealer licensed or represented by the agent, salesman, or solicitor. All applications for a license must be in the name of the person, firm, or corporation to be licensed, also it must show the nursery acreage represented by the applicant, and such other information as is desired by the Commissioner of Agriculture. All licenses shall bear the date of issue and shall expire the first day of July next following the date of issue; provided, that all licenses in force at the time of the taking effect of this act shall continue in force during the term for which they were issued, unless sooner revoked, and any holder of such license applying for a license under this act prior to the first day of July next following the expiration of his former license shall be required to pay therefor only the proportional part of the fee required for the annual license, for the remaining portion of the year until the first day of July next following.

License to sell nursery stock.

License, when to issue.

Fee for.

Form of.

Applications, how made.

Present license continued in force.

Every nurseryman or dealer in nursery stock, applying for a license under this act, shall make, execute, and file with the Commissioner of Agriculture a bond running to the State of Montana, in the sum of one thousand dollars, with surety or sureties to be approved by the

Bond of dealer in nursery stock.

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Conditions.

Commissioner of Agriculture, conditioned for the faithful compliance by the applicant with all of the provisions of this act and the laws of the State of Montana relating to the sale, disposition, delivery, inspection and disinfection of nursery stock grown, dealt in, imported, sold, handled, or delivered by him during the term of the license applied for, and the term or terms of renewal of the same, and conditioned further that all nursery stock sold or delivered by him during said term shall be true to name, age, and variety as represented, and free from the diseases and pests required to be guarded against by the horticultural laws and regulations of the State of Montana.

Renewal of license.

Fee for.

Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this act, shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the fee of twenty-five dollars on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July 1st, so long as the bond originally given in compliance with the provisions of this section shall remain in force.

Refusal and revocation of license.

A license may be refused at any time, or revoked when the person, firm, or corporation applying therefor has been adjudged bankrupt, insolvent, or guilty of fraud or deceit by any court of competent jurisdiction.

Suspension of license by cancellation of bond.

The cancellation or revocation of, or the withdrawal of the sureties from any bond filed in accordance with the provisions of this act, shall ipso facto work a suspension of the license of the principal of said bond, and the license of all agents, salesmen and solicitors employed by and representing him until such a time as such principal shall furnish a new bond to be approved by the Commissioner of Agriculture.

Revocation of license on complaint.

Upon complaint in writing, verified under oath by the complainant, being made to the Commissioner of Agriculture, that the holder of any license in this act provided for has violated or failed to comply with the provisions of this act or the laws of the state of Montana relating to horticulture, the Commissioner of Agriculture, if in his judgment the complaint is justified, may revoke the license of the nurseryman complained of.

Misrepresentation of nursery stock.

It shall be unlawful for any person to falsely represent or to misrepresent the name, age, variety, or class of any nursery stock sold or offered for sale, or to falsely repre-

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sent or state that any nursery stock offered for sale, sold, or delivered was grown in or came from a certain nursery or locality, when in fact such nursery stock was grown in or came from another location or nursery, or to deceive or defraud any person in the sale of any nursery stock by substituting inferior or different varieties or ages from those ordered, or to wilfully or intentionally bring into this state, or to offer for sale or distribution within this state, or to ship, sell, or deliver upon any sale any nursery stock that is infected or infested with any disease or insect dangerous to the horticultural interests of the state, and in case of such misrepresentation, false representation, deceit, fraud, or substitution, shall be subject to punishment as provided by the statute for misdemeanor, and shall be liable to the person, firm, or corporation damaged or injured thereby, the amount of all damage sustained to be recovered in a civil action in any court of competent jurisdiction; and any person, firm, or corporation suffering damage by reason of having purchased any nursery stock of a licensed nurseryman, or dealer in nursery stock, delivered within this state, or shipped from a point within or without this state for delivery within this state, or by reason of the destruction of such infected or infested nursery stock by or under the direction of any horticultural inspector, as in this act provided, or by reason of receiving any nursery stock which is not true to name, age, variety, or class as represented by the nurseryman, dealer, agent, salesman, or solicitor selling the same, or as ordered, shall have recourse against the bond filed by the licensed nurseryman or dealer from whom such stock has been purchased, for all damages sustained, including damages in case of misrepresentation, deceit, fraud, or substitution, which damage may be recovered at the suit of the party injured against the nurseryman or dealer causing the damage and the sureties on such bond, in any court of competent jurisdiction; provided, no liability shall attach on such bond by reason of nursery stock being untrue to name, age, variety, or class, unless at least five per cent. of any variety ordered shall prove untrue to name, age, variety, or class.

Inferior stock.

Diseased stock.

Damages, how recovered.

No liability on land, when.

It shall be the duty of all nurserymen or dealers in nursery stock, and all salesmen, solicitors, and agents therefor, to give to every person ordering any nursery stock a duplicate copy of such order which shall show:

Order, duplicate of.

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1. The name and location of the nursery where such stock is grown.

2. The name of the nurseryman from whom ordered, and the name of the solicitor, salesman, or agent taking such order.

3. The date of the order and when delivery is to be made.

4. The number, name, age, and price of such variety of tree or plant ordered.

Inspection on shipment into state.

In the event of the shipment into this state from any point without this state of any nursery stock, by a person, firm, or corporation not licensed to do business in this state, as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same inspected by a horticultural inspector, in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state, and to pay an inspector's fee of ten per cent of the invoice price of such shipment; provided, that the minimum fee for such inspection shall be fifty cents and the actual and necessary traveling expenses of the inspector making the inspection; and provided, further, that no inspection fees shall be collected in excess of the regular inspection fees, where such stock is shipped to a person, firm, or corporation, holding a Montana license, as provided in this act.

Fee for.

Expense of inspector.

Term of license

Licenses granted under this act shall be for one year, unless revoked for any violation of this act.

Notice of shipments.

Section 48. It shall be the duty of every person, firm or corporation, licensed to do business under this act to notify the Commissioner of Agriculture of his intention to ship an invoice of fruit-trees, plants, or nursery stock not previously inspected under the provisions of this act, from one point to another in this state; or from any point without this state into this state. The said notice shall contain the name and address both of the consignor and consignee, and the list of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from whom the consignee is to receive the goods. Such notice shall be mailed at least five five days before the day of shipment.

Contents of.

Receiving stock without inspection.

Section 49. Any person or persons who shall receive and accept any nursery stock, fruit trees, plants, vines,

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scions, cuttings, grafts, etc., etc., that have not been inspected by a duly appointed inspector of the Commissioner of Agriculture, and shall use or dispose of said nursery stock, fruit-trees, vines, plants, scions, cuttings, grafts, etc., etc., without first notifying the inspector and furnishing him an opportunity to examine, and, if necessary, fumigate said nursery stock, will be deemed guilty of a misdemeanor, and will be subject to fine as further provided in this act.

Misdemeanor and penalty.

Section 50. All nursery stock, trees, plants, vines, and cuttings grown or growing within the State of Montana, used for filling orders, shall after said stock shall in the manner and at the times designated by the Commissioner of Agriculture, and before the same shall have been packed for delivery, be inspected by a duly appointed inspector, and shall be disinfected by fumigating or other method, when, in his judgment such is necessary. After such inspection if it be found that said nursery stock, trees, plants, vines, and cuttings are clean and free from insects and fungi pests, he shall issue his certificate to said nurseryman, and said certificate shall entitle him to use said stock, so inspected and disinfected, for filling orders for the next current delivery; and said inspector's certificate shall be furnished to those entitled to them at a price not to exceed forty cents per hundred.

Inspection of stock grown in state.

Certificate.

Fee for.

Nurseries shall give to the Commissioner of Agriculture five days' notice of the time when said stock shall be ready for inspection under the provisions of this act.

Notice for inspection.

Section 51. Any person or persons, corporation or corporations, transportation companies, or common carriers, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and fined in the sum of not less than twenty-five dollars nor more than three hundred dollars.

Violation of act.

Misdemeanor.

Penalty.

Section 52. The Montana Commissioner of Agriculture is hereby authorized and empowered to establish a quarantine over any orchard of place where fruits are grown or kept, that is infested with any injurious disease or insect pest; and said commissioner may establish such rules and regulations governing such quarantine, and regulating or restricting the use of such fruits upon the premises, or the shipment or disposition of the same, as he may deem necessary to prevent the spreading of such disease or diseases or insect pests.

Authority to quarantine orchard.

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Violation of rules and Act.

Any person who shall violate the provision of this section, or the rules and regulations established by said Commissioner of Agriculture, or who shall ship or dispose of any diseased or infested fruit or fruit products in violation of the order of said commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than three hundred dollars.

Misdemeanor.

Penalty.

Expense of eradication, how collected.

Section 53. Whenever, under the direction or regulations of the Montana Commissioner of Agriculture, any money is expended by said board for the purpose of eradicating any disease or insect pest from any orchard or other place where fruits are grown or kept, said commissioner, through its representative, shall notify the owner of such orchard or premises in writing of the amount so expended plus an additional charge of twenty-five per cent of the amount so expended. Said notice shall be mailed to the last known address of such owner, and if such owner shall fail to pay the amount so expended by said commissioner plus an additional charge of twenty-five per cent of the amount so expended, within thirty days of the time such notice is sent, then and in that event the commissioner shall file a statement, verified under oath by himself or his representative, with the county treasurer in the county wherein said money shall have been expended. Said statement shall set forth the amount so expended plus an additional charge of twenty-five per cent of the amount so expended, together with the correct description of the property on which such money was expended as it appears on the assessment roll of the county. The county treasurer shall add the total amount as set forth in said statement to the taxes upon said property, and shall collect the same as provided by the law for the collection of taxes for state and county purposes.

County treasurer to collect.

County treasurer to remit to State Treasurer.

Section 54. The county treasurer in any county where any money is collected as provided in section 53 of this act, shall, on or before the first day of February of each year, remit the amount to the state treasurer, who shall deposit same to the credit of the general fund of the state.

Apples, inspection of.

Section 55. It shall be the duty of the Commissioner of Agriculture, or his authorized representative or inspector, to inspect all apples packed for sale or shipment pursuant to the provisions of Chapter 113 of the Laws

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of the Thirteenth Legislative Assembly of Montana of 1913, and acts amendatory thereof, and said commissioner is hereby authorized to certify to the grade and pack thereof, and to charge the owner, packer or shipper of any such apples a fee to be fixed by said Commissioner of Agriculture for such services, and said commissioner may make such rules and regulations regarding such inspection, not in conflict with the laws of the state, as he may deem proper.

Fee for.

Section 56. The Division of Labor and Publicity. The department of Agriculture, Labor and Industry, through the Division of Labor and Publicity, shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor, protection of employees, and all laws relating to child labor regulating the employment of children in any manner; it shall also be the duty of such Division to administer all the laws of the state relative to free employment offices.

Duties of Division of Labor and Publicity.

Enforce laws.

Section 57. It is the duty of the city council of any incorporated city of the first or second class within this state, and it shall be lawful for the city council of any other incorporated city, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the Department of Agriculture, Labor and Industry shall contain a detailed account of all such free employment offices within the state showing the number of applicants for employment, the number securing employment, and the expenses of maintaining such office.

Public employment office, how established.

Report of employment.

Section 58. In discharging the duties imposed upon the Division of Labor and Publicity, the Commissioner of Agriculture shall have power to administer oaths, to examine witnesses under oath, to take depositions or cause same to be taken, to deputize any male citizen over the age of 21 years to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The Commissioner of Agriculture shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop or other industrial establishment, and any person who shall refuse to the commissioner, admission to any of the industrial establishments herein

Powers of commissioner.

Summon witnesses.

Inspection of factories.

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enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, wilfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and be punished accordingly. Nothing herein contained shall in any manner confer upon the Commissioner of Agriculture the authority to interfere in any manner with the conduct of the matters under the control of the Industrial Accident Board, nor shall said commissioner be charged with the duty of enforcing any of the laws of the State of Montana pertaining to the affairs of said Industrial Accident Board, nor with the enforcement of the safety provisions of the Workmen's Compensation Act.

Failure to admit commissioner and to supply statistics.

Misdemeanor.

Industrial Accident Board, not to interfere with.

Report of Department.

Section 59. The Department of Agriculture, Labor and Industry, through the Division of Labor and Publicity, shall prepare statistics and data, and shall publish a report relating to the agricultural, commercial, mining, manufacturing and other resources of the state, and such report shall be published and distributed in such form and quantity as in the judgment of said department may be deemed expedient and practicable. All reports sent out by said department shall bear a certificate thereon to the effect that they are issued by the authority of the State of Montana. The department shall also open correspondence with bureaus of emigration, boards of trade, and other organizations who are willing to assist in disseminating information in regard to the climate, industries and resources of the State of Montana to the end that such information may become as generally available as possible.

Publication.

Disseminate information.

State and county officers to furnish information.

Section 60. It is hereby made the duty of all state and county officers to furnish to the Division of Labor and Publicity any data, statistics and information under their control when requested by said department, relating to the population, industries, climatic conditions and assessed valuation of the state or any subdivision thereof.

State Fair, charge of.

Section 61. The department of agriculture, labor and industry, through the Division of Labor and Publicity, shall have entire charge and control of the Montana State Fair, and it shall be its duty to cause the holdings of said

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fair in the manner provided by Sections 1 and 2 of Chapter 47 of the laws of the Twelfth Legislative Assembly of 1911.

State Fair Advisory Board, how constituted.

Section 62. To assist said department in the management and conducting of said State Fair, there shall be a State Fair Advisory Board consisting of one representative from each county to be appointed by the Board of County Commissioners; the members of said board shall hold office for a period of four years and until their successors are appointed and qualified; members of said board shall take the constitutional oath of office and shall file the same in the office of the Secretary of State. The duties of the Advisory Board shall be to aid in making the State Fair a success, to perform such duties as shall be imposed upon them by the Commissioner of Agriculture, and in particular to see that the several counties of the State are represented at said fair by proper and comprehensive exhibits. Members of said board shall be paid the sum of five dollars per day together with actual traveling expenses for time expended by them in performing the duties of their office.

Term of office.

Oath of office.

Duties.

Salary and expenses.

Members of State Board, appointment of.

Section 63. The Commissioner of Ariculture is hereby authorized to appoint as many members of the State Fair Advisory Board or such other persons interested in agriculture, livestock or allied activities as he may see fit to act as a committee to assist him in the immediate management and control of the State Fair, and it shall be the duty of such committee to attend upon the order of the Commissioner of Agriculture, and to perform such duties as he may require.

Property of Fair, custody of.

Section 64. The Commissioner of Agriculture shall have the care and custody of all property belonging to the State Fair, and shall be entrusted with the direction and administration of all of its business and affairs, and shall adopt and enforce all necessary rules for the conduct and management of the fair and for the regulation of its officers and employees. Said commissioner shall arrange for the letting of stalls, stands, and all other priviliges and concessions, provided, however, that as entrance fees, money derived from the letting of privileges and as to prizes offered, said matters shall be approved by the State Board of Examiners.

Rules for.

Conduct of.

Location of State Fair.

Section 65. The State Fair shall be permanently located on the present grounds now owned by the state and devoted to that purpose, located north of the city

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of Helena, in Lewis and Clark County, and such additional lands as may hereafter be obtained in connection therewith are hereby dedicated for the use of the Montana State Fair.

Fees, disposal of.

Section 66. All fees and earnings of the Department of Agriculture, Labor and Industry and its divisions and activities, from whatsoever source they may be derived, and all contributions which may be received from public or private bounty, are hereby annually and perpetually appropriated for the use of said Department of Agriculture, Labor and Industry. All moneys received by the Department of Agriculture, Labor and Industry in the administration of all laws and the management of the institutions under its control, belonging to or for the use of the state, shall be deposited with the State Treasurer on the tenth and twenty-fifth days of each month without deduction of any sort on account of salaries, fees, costs, charges or expenses or otherwise, and shall be credited to the general fund of the State of Montana. The State Auditor shall keep upon his books an account to be known as the "State Fair Revolving Appropriation Account," to which shall be credited all general fund receipts of every nature arising from the operation of the State Fair, and from which shall be paid such claims as may be designated by the State Board of Examiners; and the State Auditor shall keep upon his books another account to be known as the "Department of Agriculture Revolving Appropriation Account," to which shall be credited all other general fund receipts arising from all operations of the Department of Agriculture, Labor and Industry other than the State Fair, and from which shall be paid such other claims of the Department of Agriculture, Labor and Industry as may be designated by the State Board of Examiners. The State Board of Examiners may, in its discretion, by resolution duly adopted and entered upon the minutes of said Board, authorize the establishment and maintenance in the business office of the Department of Agriculture, Labor and Industry or any of its divisions, one or more Contingent Revolving Accounts, transferring in trust to said Department such sum or sums of money as may appear necessary for the payment of demands requiring immediate cash payment, under specific regulations to be established by said Board of Examiners. But each and every division so granted a Contingent Revolving Account shall report to the State

Moneys deposit in general fund.

"State Fair Revolving Appropriation Account."

"Department of Agriculture Revolving Appropriation Account."

State Board of Examiners, authority over funds.

Division funds.

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Board of Examiners monthly all transactions involving such Contingent Revolving Accounts, with proper vouchers for every payment made therefrom. The State Board of Examiners may cancel or modify such authorizations and recall such funds or any part thereof at pleasure. Provided, however, that nothing in this Act shall be construed as preventing the establishment and maintenance by the State Board of Examiners of Contingent Revolving Accounts in the divisions of Grain Standards and Marketing, of Horticulture and of Labor and Publicity, transferring in trust to the business offices of such divisions such sums of money as may appear necessary to be used by said divisions for the payment of demands, requiring immediate cash payment in connection with Grain Grading and Inspection, Orchard Spraying and Fruit and Nursery Stock Inspection, and in conducting the State Fair, under specific regulations to be established by said Board of Examiners. But each and every division granted a contingent Revolving Account shall report to the State Board of Exeminers monthly all transactions involving such Contingent Revolving Accounts, with proper vouchers for every payment made therefrom. The State Board of Examiners may cancel such authorizations and recall such funds at pleasure.

Transfer of funds.

Section 67. The following offices, boards, commissions, and departments of the state government heretofore constituted by law are hereby abolished, to-wit:

Offices abolished.

The State Board of Horticulture.

The State Horticulturist.

The Board of Directors of the State Fair.

The Board of Dairy Commission Examiners.

The Department of Labor and Industry.

The Department of Agriculture and Publicity.

The State Dairy Commissioner.

The Grain Grading Inspection and Warehousing Commission of the State of Montana.

The State Board of Poultry Husbandry.

Section 68. The State Treasurer is hereby authorized and directed, upon the taking effect of this act, to transfer to the general fund of the State of Montana any money in his hands belonging to any and all special funds heretofore created by law for the deposit of moneys received by the boards and departments mentioned in Section 67.

Transfer of special funds.

Section 69. The Department of Agriculture, Labor and Industry is hereby designated as the legal successor of

Department of Agriculture legal successor to all boards and commissions.

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all the offices, boards, commissions, and departments mentioned in Section 67 of this act; all books, papers, and records of said offices, boards, commissions, and departments shall be turned over to the Department of Agriculture, Labor and Industry, and said department is hereby authorized to carry out any contracts, complete any business, or prosecute or defend any suits heretofore entered into or instituted by any of the offices, boards, commissions, or departments mentioned in Section 67 of this Act.

Violation of this Act.

Section 70. Any person, firm, company, or corporation who shall violate any of the provisions of this Act, or who shall fail to comply with any order of the Department of Agriculture, Labor and Industry, or of the Commissioner of Agriculture, or any of his lawfully constituted agents, provided that said order be made in pursuance of the authority granted by this Act, shall be deemed guilty of a misdemeanor and punishable by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Repealing clause.

Section 71. The following acts and parts of acts of the State of Montana are hereby repealed: Sections 1, 2, 3, including Section 3-A contained in said Section 3, and Sections 4, 5, 6, 7, 8, 11, 12, 13, and 14 of Chapter 199 of the Laws of the Sixteenth Legislative Assembly of 1919; all of Chapter 209 of the Laws of the Sixteenth Legislative Assembly of 1919 save and except Sections 25 and 28 thereof; Sections 1917 to 1923 inclusive of the Revised Codes of 1907 as amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Section 1923-A of Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911 as amended by Section 1 of Chapter 90 of the Laws of the Sixteenth Legislative Assembly of 1919; Sections 1924, 1925, 1927, 1930, 1931, 1932, 1933, 1934, 1936, 1937, 1938, 1939, 1940 to 1944 inclusive of the Revised Codes of 1907 as amended by Chapter 121 of the Laws of the Twelfth Legislative Assembly of 1911; Sections 3 to 11 inclusive of Chapter 47 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 55 of the Laws of the Thirteenth Legislative Assembly of 1913; Chapter 15 of the Laws of the Twelfth Legislative Assembly of 1911; Chapter 56 of the Laws of the Thirteenth Legislative Asssembly of 1913; Chapter 132 of the Laws of the Fourteenth

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Legislative Assembly of 1915; Chapter 127 of the Laws of the Sixteenth Legislative Assembly of 1919; Chapter 69 of the Laws of the Thirteenth Legislative Assembly of 1913.

Section 72. This Act shall take effect and be in full force from and after April 1st, 1921.

Approved March 5, 1921.

CHAPTER 217.

An Act to Authorize State Banks in Montana to Accept Drafts and Deal in Acceptances.

Be it enacted by the Legislative Assembly of the State of Montana:

Authority of banks to accept drafts for payment at future date.

Section I. Every bank organized and existing under the laws of Montana, shall have power and authority to accept for payment at a future date, drafts drawn upon it, by its customers, and to issue letters of credit, authorizing holders thereof to draw drafts upon it, or its correspondents at sight or on time not exceeding one year, provided that the total amount of drafts so accepted or letters of credit so issued for any one person, firm or corporation, shall not at any one time exceed 20% of the capital and surplus of the accepting or issuing bank.

Limitation upon authority.

Section II. All acts and parts of acts in conflict herewith, are hereby repealed.

Section III. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 218.

An Act Providing for Recording Declarations of Trust, Trust Agreements, and Wills Creating Trusts.

Be it enacted by the Legislative Assembly of the State of Montana:

Recording declaration of trust.

Section 1. That declarations of trust and trust agreements duly executed and acknowledged, and wills creating trusts may be recorded in the office of the County Clerk and Recorder of the county in which the principal office of the trustee is located, and when lands are the subject of the trust, may also be recorded in the office of the County Clerk and Recorder of the county in which the lands are situated, which are the subject of such

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Notice to trustee.

trust, and when so recorded shall be constructive notice to all persons dealing with the trustees or the trust property, of the powers, duties, obligations, limitations, liabilities, and rights of the trustees, and beneficiaries thereunder, and of all the terms, conditions, and limitations of such declaration of trust, trust agreement, or will.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passing and approval.

Approved March 5, 1921.

CHAPTER 219.

An Act Authorizing the Designation and Appointment of District Judges Throughout the State of Montana to Act in the Capacity of Commissioners of the Supreme Court in Order to Relieve the Court from the Overburdened Condition of Its Calandar; to Provide Required Additional Clerical Assistance; Prescribing Certain Duties of District Judges; and Declaring the Same an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Supreme Court to appoint judges as commissioners.

Section 1. The Supreme Court of the State of Montana, shall, on or before the 5th day of May, 1921, appoint from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts, three (3) of such judges to act for such period of time as may be designated in the order appointing them as Commissioners of the Supreme Court; and upon grounds of the public service, the personnel of such Commission may be changed from time to time as necessities and business of the several districts may require, by the designation of other District Judges to act in the place and stead of those first designated. All that shall be legally required to constitute such Commission shall be the making and entering by the Supreme Court of the order of appointment or substitution, so that at all times during a continuance of this law, or until such time as the Supreme Court may deem such assistance unnecessary or undesirable, there shall not be less than three of such District Judges constituting

Change of personnel.

Appointment and substitution.

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such Commission. It shall be the duty of said Commissioners, under such rules and regulations as the court may adopt, to assist in the performance of its duties and the disposition of the numerous causes now pending in said court, and undetermined. None of such District Judges shall be qualified to act for a longer period than that for which they were elected or appointed to serve in the capacity of District Judges. None of such Commissioners shall receive any salary or emolument whatsoever in addition to the salary already prescribed for them by law, but each and all shall be entitled to and be paid, their actual and necessary expenses, in traveling from their home to the capital city of Helena, and returning therefrom, and during the time of their stay in the said city of Helena in the performance of the work devolving upon such Commissioners, such compensation to be paid them upon claims therefor, duly verified and presented to the State Board of Examiners, after same shall have been first approved as true and correct by the Supreme Court, and said claims shall be paid from specific appropriation made therefor, or from the general appropriation made for maintenance of the Supreme Court. The Supreme Court shall have the power to remove or substitute any or all members of said Commission at any time, and vacancies arising from any cause shall be filled by the Supreme Court. Before entering upon the discharge of their duties, each Commissioner will be required to take and subscribe the Constitutional Oath of office.

Duties of commission.

Term in which to act.

Salary.

Expenses.

Payment of salary and expenses.

Removal or substitution.

Oath.

Section 2. In order not to interrupt or delay the expeditious transaction and disposition of District Court business in the several counties or judicial districts on account of the establishment of such Supreme Court Commission, it shall be within the province of the Supreme Court, on application, or of its own motion, to direct any District Judge in the state to serve for a stated period, or for specific purposes to a county or district other than that for which he shall have been elected or appointed. Such Commission shall be by the Supreme Court called from time to time, and shall only be required to remain at the seat of government such length of time as is required for the hearing of cases and conferences concerning decisions and conclusions to be reached, and in the designation of the personnel of any such Commission, the Supreme Court shall take into consideration the question of the necessities and the good of the judicial service in

Supreme court to direct judges to serve in other districts.

How called.

Period at seat of government.

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the several counties of the State of Montana, and shall make, designation of appointment, substitution and transfer of Judges with the idea in view of minimizing expense, and neither such Commission nor the Commissioners, shall be required to remain at the seat of Government for a longer time than is actually required for the proper performance of the work of such Commission in aid of the Supreme Court.

Additional stenographer.

Section 3. Upon the designation of said Court Commission, an additional court reporter or stenographer shall be provided, to serve and assist the Supreme Court and such Commission, in the performance of its work, for such time as required, at a salary of One Hundred Fifty Dollars ($150.00) per month, to be paid at the end of each and every month by the State Treasurer from funds appropriated for the maintenance of the Supreme Court, or from special appropriation made in the general appropriation bill to meet such salary.

Salary.

How paid.

Emergency clause.

Section 4. That an emergency exists in this; the necessity for the prompt assistance of the Supreme Court of the State of Montana in the discharge of its duties by a Supreme Court Commission to enable the Supreme Court more expeditiously to dispose of the large number of cases now pending and awaiting hearing before the Supreme Court; at an earlier date than the Supreme Court may, without the assistance of such a Commission, be able to dispose of said cases.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1921.

CHAPTER 220.

An Act Forbidding the Diversion, Control, Impounding or Restraining of Waters Within the State for Use Outside Thereof, Except Pursuant to a Petition to and an Act of the Legislative Assembly of the State of Montana Permitting Such Action.

Be it enacted by the Legislative Assembly of the State of Montana:

Waters cannot be appropriated for use without state.

Section 1. That none of the waters in the State of Montana shall ever be appropriated, diverted, impounded or otherwise restrained or controlled while within the State for use outside the boundaries therof, except pur-

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suant to a petition to and an Act of the Legislative Assembly of the State of Montana permitting such action, and any appropriation, diversion, impounding, restraining or attempted appropriation, diversion, impounding or restraining, contrary to the provisions of this Act shall be null and void; and all officers, agents, agencies, and employes of the State are prohibited from knowingly permitting, aiding or assisting in any manner such unauthorized appropriation, diversion, impounding or other restraint. It shall be unlawful for any person, persons, or corporation, directly or indirectly, personally or through agents, officers or employes either to attempt to so appropriate, divert, impound or otherwise restrain or control any of the waters within the boundaries of this State for use outside thereof, except in accordance with the terms of this Act.

What acts void.

Unlawful to attempt to appropriate waters for use outside state.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval

Approved March 5, 1921.

CHAPTER 221.

An Act Authorizing County Treasurers to Execute Satisfaction of Mortgages or Other Security Received by Counties Under Chapter Eight of the Laws of the Sixteenth Extraordinary Session of the Legislature of Montana of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever under the provisions of Chapter Eight of the Acts of the Sixteenth Extraordinary Legislative Assembly of Montana of 1919 any mortgage or other security has been executed to a county or to any officers thereof, the county treasurer of such county is hereby authorized upon the payment of the debt for which the security was given, to execute an acknowledgment of satisfaction of said mortgage or other security. In case of the creation of a new county embracing the lands covered by any such mortgage, subsequent to the execution thereof, the county treasurer of such new county may execute said satisfaction in like manner and

County treasurer authorized to execute satisfaction of seed grain mortgage.

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with the same effect as though executed by the treasurer of the county to which such security was originally given.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 222.

An Act Making It the Duty of the Owner or Person Holding Possessory Right to Unfenced Agricultural Grazing Land, or Patented Mining Claim, Lying Within the Boundaries of National Forest Reserves, or Adjoining Thereto, to Mark the Boundaries Thereof, and to Prevent Recovery of Damages for Trespasses by Herded Sheep on Said Land When the Same Is Unmarked.

Be it enacted by the Legislative Assembly of the State of Montana:

Marking boundaries of lands and claims on Forest Reserve.

Section 1. It shall be the duty of the owner, or the person holding possessory right, to all unfenced lands, or patented mining claims, which said lands or patented mining claims lie within the boundary of National Forest Reserves in the State of Montana, or lying on public ranges adjoining to any National Forest Reserve, to mark the boundaries thereof by substantial monuments that can be readily seen and observed, so that such boundaries can be readily traced.

Prima facie evidence of proper marking.

Section 2. For the purposes of this Act, it shall be prima facie evidence that such boundaries are properly marked if the same are defined, provided that such monuments or some tree, stump or post adjacent thereto shall be conspicuously marked with the name of the owner or claimant of such ground and the name of the claim or the description of the land claimed.

No action for trespass unless lands marked.

Section 3. No person owning or possessing agricultural or grazing land, or patented mining claims, lying within said National Forest Reserves of this state, or on the public range lying adjoining to any said National Forest Reserve, the boundaries of which said lands are not marked as required by the provisions of this Act, shall have any claim or cause of action or right of action against the owner of herded sheep for trespasses committed by such sheep upon said land, and such shall be the rule regardless of whether the said sheep so trespassing strayed thereon of their own inclination and without being driven, or whether said sheep were herded

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or driven on said land, provided that no person or persons can claim exemption for trespassing under the provisions of this section where such person or persons shall have actual knowledge of the boundary lines of any lands herein referred to.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 223.

An Act to Provide a Lien on Growing Crop and Grain Threshed Therefrom for the Purchase Price Assessment or Money Due from Hail Insurance for the Protection of Such Crop for the Then Current Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, company, association or corporation who shall furnish to another hail insurance for the purpose of protecting the said party's crop from damage by hail during the hail season of the then growing or seeded crop, whether the said crop or crops be on the land owned or contracted to be purchased, used, leased, occupied or rented by the said insured or held under Government entry, shall, upon filing the statement provided for in the next Section, have a lien subject to any seed lien that may then or thereafter be placed on record against the said crop for the amount due the said person, company, association or corporation furnishing the hail insurance from the said insured so protected, whether it be on a note given, open account or assessment, due or to become due, for the current year's protection, upon the crop produced on the said land so protected or any part thereof and upon the seed or grain threshed from such crop to secure the payment of the amount due or the assessment levied against the said insured for the said insurance provided.

Seed lien for hail insurance.

Section 2. Any person who is entitled to a lien under this act shall, within thirty days after the said insurance is issued, file in the office of the County Clerk and Recorder of the County in which the crop so insured is located a statement in writing verified under oath giving the description of the land upon which the crop is planted, together with the kind of crop insured, Provided that

Statement to be filed.

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Lien of mutual company.

with a Mutual Company it may file a lien for the largest amount that may become due under its assessment power and in the event that the amount assessed shall not be as large as the amount of the lien claimed, then the amount assessed and due shall be the amount the Mutual Insurance Company shall be entitled to under its lien. Unless the person, company, association or corporation entitled to such a lien shall file such statement within the time aforesaid he or it shall be deemed to have waived the right thereto.

Satisfaction of lien.

Section 3. Whenever the indebtedness, which is a lien upon such grain or other crops, is paid or satisfied on or before November 1st of the then current year, it is the duty of the lienor to acknowledge satisfaction thereof, as in the case of a chattel mortgage, within twenty days after receiving payment, and to discharge the said lien of record, and if any lienor fails to acknowledge satisfaction and discharge of said lien as aforesaid he is liable to any person injured thereby in the amount of such injury and the costs of action. If any hail lien is not satisfied on or before the 1st day of March of the next succeeding year after the insurance was carried on the crop the same shall be deemed satisfied and released of record.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 224.

An Act to Establish a Fish and Game Preserve in the Beaverhead National Forest, for the Protection of Fish and Game Animals and Birds, and Providing a Penalty for Killing, Hunting, Catching, or Pursuing Any Such Fish or Game Animals or Birds in Such Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Beaverhead Game Preserve.

Section 1. For the better protection of fish and game animals and birds, the following described area in the Beaverhead National Forest, in Beaverhead County, State of Montana, is hereby set aside and established as a State Fish and Game Preserve, to be known as the Beaverhead Fish and Game Preserve:

Description.

Beginning at a point on the Base Line at the Southwest Corner of Section Thirty-six (36), Township One (1)

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North, Range Twelve (12) West; thence North One (1) Mile to the Northwest corner of said Section Thirty-six (36); thence West two (2) miles to a point which, when surveyed, will be the Southwest Corner of Section Twenty seven (27), Township One (1) North, Range Twelve (12) West; thence North Four (4) miles to the Southwest corner of Section Four (4), Township One (1) North, Range Twelve (12) West; thence west one (1) mile more or less to the Southwest Corner of said Section Four (4); thence North One (1) mile more or less to the Northeast Corner of Section Five (5), Township One (1) North, Range Twelve (12) West; thence West two (2) miles more or less to the Northwest Corner of Section Six (6), Township One (1) North, Range Twelve (12) West; thence South one (1) mile more or less along the township line dividing ranges twelve (12) and thirteen (13) West to the Southeast Corner of Section One (1), Township One (1) North, Range Thirteen (13) West; thence West one (1) mile to the Southwest corner of said Section One (1); thence South one (1) mile to the Southeast Corner of Section Eleven (11), Township One (1) North, Range Thirteen (13) West; thence West One (1) Mile to the Southwest Corner of said Section Eleven (11); thence South Four (4) miles to the Southwest Corner of Section Thirty-five (35), Township One (1) North, Range Thirteen (13) West; thence West along the Base Line to a point which, when surveyed, will be the Northwest Corner of Section Three (3) Township One (1) South, Range Thirteen (13) West; Thence South Four (4) Miles more or less, to a point which, when surveyed, will be the Southwest Corner of Section Twenty-two (22), Township One (1) South, Range Thirteen (13) West; thence East Seven (7) miles, more or less, to a point which, when surveyed, will be the Southeast Corner of Section Twenty-two (22), Township One (1), South, Range Twelve (12) West; thence North One (1) mile more or less to a point which, when surveyed, will be the Northeast Corner of Section Twenty-two (22), Township One (1), South, Range Twelve (12) West; thence East Two (2) miles more or less to the Southwest Corner of Section Eighteen (18), Township One (1) South, Range Eleven (11) West, surveyed; thence North Two (2) miles more or less, to the Northwest Corner of Section Seven (7), Township One (1) South, Range Eleven (11) West, surveyed; thence West One (1) mile more or less, to a point which, when surveyed, will be the Southwest Corner of Section

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One (1), Township One (1) South, Range Twelve (12) West, unsurveyed; thence North One (1) mile, more or less, to a point on the Base Line which when surveyed, will be the Northwest Corner of Section One (1), Township One (1) South, Range Twelve (12) West; thence West One Quarter (1/4) mile, more or less, along the Base Line to the Southwest Corner of Section Thirty six (36), Township One (1) North, Range Twelve (12) West, the place of beginning.

Unlawful acts on preserve.

Section 2. It shall be unlawful for any person at any time to hunt, trap, kill, capture, molest, catch or take any fish or game animals or birds of any kind whatever, within the limits of said Fish and Game Preserve, or to discharge any firearms or create any unusual disturbances tending to frighten or drive away any game animals or birds within said Preserve; provided, however, that permits to capture animals, birds or fish for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said Preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty Five Dollars, nor more than One Hundred Dollars, or by imprisonment in the County Jail for not less than thirty days nor more than six months or by both such fine and imprisonment.

Animals for scientific purposes.

Predatory animals.

Violation of Act is misdemeanor.

Penalty.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 225.

An Act for the General Revision of the Civil and Criminal Practice Acts of Montana, Relating to Exceptions, Bills of Exceptions, New Trials and Appeals, and Amending Sections 6784, 6785, 6788, 6792, 6795, 6796, 6797, 6799, 7098, 7099, 7113, 7115, 9347 and 9352 and Repealing Sections 6786, 7112, 7114 and 9340 of the Revised Codes of Montana of 1907, and Repealing Chapter 148 of the Laws of the Fourteenth Legislative Assembly of Montana of 1915, and All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 6784, Revised Codes, as amended by Chapter 135, Laws of 1915.

Section 1. That Section 6784 of the Revised Codes of Montana of 1907, as amended by Chapter 135 of the Session Acts of Montana of 1915, be and the same is hereby amended to read as follows:

Orders, etc., deemed excepted to.

"Section 6784. Every order, ruling and decision of every kind and nature made and entered by any court, judge or referee, and every verdict, finding, decree or judgment of a court is deemed excepted to and it shall not be necessary to ask for or note an exception, but nothing herein contained shall be deemed to dispense with the necessity of making objections, nor to dispense with the prepartion of a bill of exceptions in all cases in which the same is required by law, nor shall this act dispense with the making and settlement of exceptions to defective findings as required by Sections 6767 and 6768 Revised Codes of 1907. This act shall not affect the procedure for the settlement of instructions, save that no exception need be noted to any instruction, nor to any order of the court relating thereto."

Exceptions required by law.

Findings.

Instructions.

Amending Section 6785, Revised Codes.

Section 2. That Section 6785 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Statement of objections.

"Section 6785. In the cases mentioned in the preceding section no exception need be taken but the grounds of the objection shall be particularly stated. The objection must be stated with so much of the evidence taken from the stenographer's notes, or so much other matter as is necessary to explain it and no more. Documents on file in the action or proceedings may be copied, or the substance thereof stated, or a reference thereto sufficient to identify them may be made when necessary to present the objection."

Amending Section 6788, Revised Codes.

Section 3. That Section 6788 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Bill of exceptions.

"Section 6788. Whenever a motion for a new trial is pending no bill of exceptions need be prepared or settled until the decision of the court upon the motion for a new trial has been rendered, but a bill shall be prepared and settled in the same manner and within the same length of time after the decision on the motion for a new trial as is hereinafter provided for the making and settling of bills of exceptions. Except as above provided, the party appealing from a final judgment, if he desires to present

On appeal from final judgment.

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on appeal the proceedings had at the trial must within fifteen days after the entry of judgment if the action was tried with jury, or after receiving notice of the entry of judgment if the action was tried without a jury, or within such further time as the court or judge thereof may allow, not to exceed sixty days, except upon affidivit showing the necessity for further time, prepare and file with the clerk of the court and serve upon the adverse party a bill of exceptions, containing all of the proceedings had at the trial upon which he relies, in which bill the evidence shall, unless otherwise prescribed by a rule of the Supreme Court, be stated in narrative form, except that the particular portion of the record showing objections to the admission or rejection of testimony upon which the party preparing the bill expects to rely, shall be set out verbatim. Within ten days after such service the adverse party may propose amendments thereto and serve the same, or a copy thereof, upon the other party. The proposed bill and amendments must, within ten days thereafter, be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court, or judge. When received by the clerk he must immediately deliver them to the judge, if he be in the county; if he be absent from the county, and either party desire the papers to be forwarded to the judge, the clerk must, upon notice in writing of either party immediately forward them by mail, or other safe channel; if not thus forwarded, the clerk must deliver them to the judge immediately after his return to the county. When received, the judge must designate the time and place at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee shall settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with amendments, if any, to the judge or referee, for settlement without notice to the adverse party. It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter, so that the objections may be presented as briefly as possible. When set-

Narrative form.

Evidence set out verbatim, when.

Amendments.

Settlement.

Duty of clerk.

Time for settlement.

Redundant matter stricken.

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tled, the bill must be signed by the judge or referee with his certificate to the effect that the same is allowed, and shall then be filed with the clerk."

Filing of bill.

Section 4. That Section 6792 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 6792, Revised Codes.

"Section 6792. That hereafter all District Courts and Judges on settlement and allowance of any bill of exceptions at any stage of the trial of a cause shall upon demand of either party, or, in the discretion of said court, or judge, upon its or his own motion, incorporate into such bill of exceptions all rulings, or orders, or proceedings made in the cause against either of the parties, affecting the substantial rights of either, together with the objections and exceptions thereto properly made and reserved, and the same shall be settled and allowed as a part of such bill."

Bill may contain matters affecting substantial rights.

Section 5. No new trial shall be granted in equity cases or in cases tried by the court without a jury, except on the grounds mentioned in the first, third and fourth subdivisions of Section 6794, Revised Codes of 1907.

New trial in equity cases, when.

Section 6. That Section 6795 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 6795, Revised Codes.

"Section 6795. Motions for new trials shall be made as follows: For causes mentioned in the first subdivision of the preceding section, the motion shall be made on affidavits or on the minutes of the court; for causes mentioned in the 2nd, 3rd, or 4th subdivison of said section, the motion shall be made only on affidavits; for causes mentioned in the 5th, 6th, or 7th subdivisions of said section, the motion shall be made only on the minutes of the court. The official stenographic reports of the trial may be referred to as a part of the minutes of the court."

Motion for new trial, how made.

Section 7. That Section 6796 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 6796, Revised Codes.

"Section 6796. The party desiring a new trial must within ten days after the return of the verdict or within ten days after receiving notice of the decision of the court, serve upon the adverse party and file with the Clerk a notice of motion for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of

Notice of intention to move for new trial, how made.

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the court or both. The time above specified shall not be extended by order or by stipulation. If the motion is to be made upon affidavits, the moving party must within ten days after serving the notice, or within such further time not to exceed thirty days in all, as the court in which an action is pending or a judge thereof may allow, file such affidavits with the clerk and serve a copy thereof upon the adverse party who shall have ten days thereafter or such further time not exceeding thirty days in all, as the court may allow, to serve and file counter affidavits."

Amending Section 6797, Revised Codes.

Section 8. That Section 6797 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Motion for new trial, hearing.

"Section 6797. The hearing on the motion for new trial shall be had within ten days after the notice of motion is filed when the motion is made only on the minutes of the court and within ten days after the filing of affidavits and counter affidavits when the motion is made on affidavits. The court may continue the hearing for not to exceed thirty days when engaged in the trial of cases at the time set for said hearing or when for any other cause the court is unable, without serious inconvenience to hear the matter upon the date fixed. In case the hearing is continued by the court, it shall be the duty of the court to hear the same at the earliest practicable date thereafter, and the court shall decide the motion within fifteen days after the same is submitted. If the court shall fail to decide the motion within said time, the motion shall at the expiration of said period be deemed denied. The decision on motion for a new trial may be entered in the minutes of the court or may be made in writing in chambers or in any county in the state where the judge may be and be filed with the clerk of court in the county where the action is pending. Upon the hearing reference may be had in all cases to the pleadings and the orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the proceedings on the trial, and when necessary, reference may be had to the notes of the court reporter."

Continuance.

Deemed denied.

Decision entered.

Amending section 6799, Revised Codes.

Section 9. That Section 6799 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

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"Section 6799. The records on appeal from a final judgment shall consist of the judgment roll as defined in section 6806 Revised Codes of 1907, together with all bills of exception settled and filed in the case, and a copy of the notice of appeal.

Record on appeal from final judgment.

"Whenever a motion for a new trial has been made and overruled, the party appealing from the judgment and desiring to review also the order of the Court denying the motion for a new trial, shall be permitted to use in lieu of a bill of exceptions, a transcript of the minutes of the court, prepared and certified in the manner hereinafter provided, or he may prepare and have settled a bill of exceptions in the manner provided by section 6788. The record on appeal from an order granting a new trial shall consist of the pleadings and the affidavits used in the hearing, a copy of the motion for a new trial, a copy of the notice of appeal, and a transcript of the minutes of the court used on the hearing, containing all that part of the minutes of the court and all that part of the official stenographic report of the trial which was used on the hearing of the motion for a new trial or which related to questions raised on the hearing, or such parts thereof as may be agreed upon by the parties as sufficient; such transcript of the minutes shall be prepared, certified by the court as correct and filed with the clerk of the court who shall transmit the same to the Supreme Court as a part of the record on appeal."

Amending Section 7098, Revised Codes.

Section 10. That Section 7098 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Appeal may be taken from what.

"Section 7098. An appeal may be taken to the Supreme Court from a District Court, in the following cases. 1. From a final judgment entered in an action or special proceedings commenced in a district court, or brought into district court from another court. 2. From an order granting a new trial; or granting or dissolving an injunction; or refusing to grant or dissolve an injunction; or dissolving or refusing to dissolve an attachment; from an order appointing or refusing to appoint a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or affecting a receiver; from an order directing the delivery, transfer or surrender of property; from any special order made after final judgment; and from such interlocutory judgments or orders in actions for partition as determine the rights

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and interest of the respective parties and direct partition to be made. (In any of the cases mentioned in this subdivision the Supreme Court or a judge thereof may stay all proceedings under the order appealed from, on such conditions as may seem proper.) 3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale or conveyance of real property, or settling an account of an executor, or administrator, or guardian; or refusing, allowing, directing, the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy or distributive share; or confirming or refusing to confirm a report of an appraiser setting apart a homestead."

Amending Section 7099, Revised Codes.

Section 11. That section 7099 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 7099. An appeal may be taken:

Appeal may be taken when.

1. From a final judgment in an action or special proceeding commenced in the court in which the same is rendered within six months after the entry of judgment.

2. From a judgment rendered, on an appeal from an inferior court, within ninety days after the entry of such judgment.

3. From an order granting a new trial; from an order granting, dissolving, or modifying an injunction; from an order refusing to grant, dissolve, or modify an injunction; from an order dissolving or refusing to dissolve or modify an attachment; from an order appointing or refusing to appoint, a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or effecting a receiver; from an order directing the delivery, transfer, or surrender of property; from any special order made after final judgment; from an interlocutory judgment or order in actions for partition of real property, and from an order confirming, changing, modifying or setting aside the report in whole or in part of the referees in actions for partition of real property, within sixty days after the order or interlocutory judgment is made and entered in the minutes of the

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court filed with the clerk. In any of the cases mentioned in this sub-division the Supreme Court or a Judge thereof may stay all proceedings under the order appealed from on such conditions as may seem proper.

4. From the judgment or orders mentioned in subdivision 3 of the next preceding section, within sixty days after the judgment or order is made or entered, or filed with the Clerk."

Amending Section 7113, Revised Codes.

Section 12. That Section 7113 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Papers to be furnished on appeal.

"Section 7113. On an appeal from an order, except an order granting a new trial, the appellant must furnish the court with a copy of the notice of appeal of the judgment or order appealed from, and of all papers and evidence used on the hearing in the court below. Such papers, files and evidence, when certified by the clerk of the court to be correct and accompanied by a certificate of the judge that such records had been used at the hearing in the district court, may be considered on appeal without further identification. Appeals from orders overruling the motion for a new trial are hereby abolished, and all questions heretofore raised on such an appeal may be raised on an appeal from the judgment.

Amending Section 7115, Revised Codes.

Section 13. That section 7115 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Certification by clerk of papers.

"Section 7115. All papers furnished to the supreme court on appeal shall before the transcript is filed therein be certified by the clerk or by the attorneys in the case to be correct, and must be accompanied with a certificate of the clerk or attorneys that an undertaking on appeal, in due form, has been properly filed, or that a deposit has been made as provided for in section 7108, or the stipulation of the party waiving an undertaking or deposit. The appellant may present to the Supreme Court or any justice thereof a copy of the record from which are omitted those parts thereof which appellant believes to be immaterial to any question arising on the appeal, and thereupon, if it shall appear, prima facie, that the parts omitted are so immaterial, the court or justice shall make an order allowing such abbreviated record to be served and filed as the transcript on appeal, and directing the clerk of the district court to certify to such transcript, which order shall save to the respondent the right

Parts omitted.

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to suggest a diminution of the record in case he can show that without the parts omitted the appeal cannot be fairly and fully heard and determined. The certificate of the clerk of the district court shall refer to such order of the Supreme Court or justice."

Supplemental transcripts.

Section 14. In all cases of insufficiency or other defects in the transcript or papers on appeal, the appellant or other party in interest may be allowed to supplement or correct the same on such terms and subject to such costs and penalties as the court may determine; in case any certificate required to be made by the district court or a judge thereof or the clerk thereof be found defective, the same may be corrected by amendment or by the filing of a new certificate with the same effect as if such certificate had been made or filed in due form in the first instance, leave being first obtained from the supreme court.

Correction of certificate.

Exceptions in criminal cases.

Section 15. On trial of an indictment or information it shall not be necessary to ask for note an exception to any of the rulings or decisions of the trial court or judge upon matters enumerated in sections 9339, 9341 and 9342 of the Revised Codes of Montana of 1907, but nothing herein contained shall be deemed to dispense with the necessity for making objections nor to dispense with the making and settlement of bills of exceptions in the manner provided by law. This act shall not affect the procedure prescribed by section 9271 of the Revised Codes of Montana of 1907, relating to the settlement of instructions, save that no exception need be noted to any instruction nor to any order of the court relating thereto.

Not applicable to bills of exceptions.

Exceptions to instructions not to be noted.

Amending Section 9346, Revised Codes.

Section 15-A. That Section 9346 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Bill of exceptions to be prepared when.

"Section 9346. No bill of exceptions need be prepared or settled while the motion for a new trial is pending, but the same shall be prepared and settled in the same manner and within the same time after the decision of the court on the motion for a new trial as is hereinafter provided for the preparation and settlement of bills of exception after judgment; except as above provided, whenever a party desires to have a bill of exceptions settled he must prepare a draft of a proposed bill and present the same, upon notice of at least two days to the adverse party, to the judge for settlement, within ten days after the order or ruling excepted to is made, or

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within ten days after judgment has been rendered against him, unless further time is granted by the judge of the district court or by a justice of the supreme court, or within that period the draft must, upon such notice of, at least two days, be delivered to the clerk of the district court for the judge. When received by the clerk he shall deliver it, together with any amendments proposed or objections thereto, to the judge or transmit it to the judge with such amendments and objections, as soon as may be, and, when settled, the bill must be signed by the judge and filed as part of the record of the case.

Duty of clerk.

Section 16. That section 9347 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 9347, Revised Codes.

"Section 9347. The record on appeal in a criminal case shall consist of the judgment roll as defined in section 9376, Revised Codes of 1907, a copy of the notice of appeal and all bills of exceptions settled and filed in the case.

Record on appeal in criminal cases.

Section 16. That section 9347 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 9347, Revised Codes.

"Section 9347. The record on appeal in a criminal case shall consist of the judgment roll as defined in section 9376, Revised Codes of 1907, a copy of the notice of appeal and all bills of exceptions settled and filed in the case. Whenever a motion for a new trial has been made and overruled, the party appealing from the judgment, shall in lieu of a bill of exceptions be permitted to use a transcript of the minutes of the court prepared and certified in the same manner provided by section 6799, Revised Codes of 1907, governing civil practice, or he may prepare and have settled bill of exceptions in the manner provided by section 9346.

Record on appeal in criminal cases consists of what.

Section 17. That section 9352 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Amending Section 9352, Revised Codes.

"Section 9352. A motion for a new trial if made for any of the causes mentioned in the 1st, 2nd, 3rd, 4th, or 7th, subdivision of section 9350 Revised Codes of 1907, must be made upon affidavits which must be filed at the same time as the notice of motion or within such further time not exceeding thirty days thereafter, as may be allowed by the court or judge; in all other cases the motion must be made upon the minutes of the court. The

Motion for new trial how made.

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official stenographic report of trials may be referred to as a part of the minutes of the court. The notice of motion must designate the grounds upon which the motion will be made. A motion for new trial must be heard upon the second day after notice is filed, or as soon as practicable thereafter, and in all cases the court or judge may in his discretion, make an order staying further proceedings in the case until such motion is disposed of."

Amending Section 9376, Revised Codes.

Section 18. That section 9376 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Judgment roll.

"Section 9376. When judgment upon a conviction is rendered, the clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction (if one), and must, within five days, annex together and file the following papers, which will constitute the judgment roll.

1. The indictment or information, and a copy of the minutes of the plea or demurrer.

2. A copy of the minutes of the trial.

3. The charges given or refused, and the indorsements thereon; and,

4. A copy of the judgment."

Repealing clause.

Section 19. That sections 6786, 7112, 7114 and 9340 of the Revised Codes of Montana of 1907, Chapter 148 of the Laws of the Fourteenth Legislative Assembly of Montana of 1915, and all acts and parts of acts in conflict herewith are hereby repealed.

Section 20. This act shall take effect and be in full force from and after July first, 1921, but shall not apply to any case in which the verdict had been returned or decision rendered or filed prior to said date.

Approved March 5, 1921.

CHAPTER 226.

An Act to Amend Section 1 of Chapter 99 of the Session Laws of the Sixteenth Legislative Assembly, Entitled, "An Act to Amend Section 4313, 4315 and 4317 of the Revised Codes of the State of Montana of 1907, Relating to Liability for Killing Stock."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4313, Revised Codes, as amended by Section 1, Chapter 99, Laws of 1919.

Section 1. That Section 1 of Chapter 99 of the Session Laws of the 16th Legislative Assembly be amended to read as follows: That Section 4313 of the Revised

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Codes of the State of Montana, of 1907, be amended so as to read as follows:

(Section 4313.) Whenever any of the livestock referred to in this chapter shall be injured or killed as therein recited, and the owner or owners thereof shall thereafter institute an action for the recovery of the loss or damage so sustained by him, or them, the Court in which such action shall be brought shall tax, as a part of the costs therein, a reasonable sum, to be fixed by the Court as a fee to the Attorney of the prevailing or successful party for conducting such action, which said fee so fixed and allowed shall be collected in like manner as other costs; provided, that no such fee shall be allowed by the Court or collected from the defendant when it shall appear from the pleadings or proof, in any such action, that the defendant prior to the institution of such action, offered or agreed to pay to the plaintiff therein, in settlement of the loss or damages claimed, a sum equal to or in excess of the amount recovered as damages in said action. Or unless the plaintiff, at least 40 days prior to the commencement of the action, shall have made demand, in writing, upon the defendant, his agent, or attorney, for the sum of money claimed as indemnity for the killing of said livestock.

Attorneys fee to be taxed.

When not to be allowed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from after its passage and approval.

Approved March 5, 1921.

CHAPTER 227.

An Act to Provide for the Poisoning, Killing, Catching and Exterminating of Insect Pests; Providing for the Appointment of Persons and Purchase of Materials Therefor; Providing for the Payment of the Expense and Authorizing the Levy of a Tax Therefor; and Defining the Term 'Insect Pest.'

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of Commissioners of any County of this State, where there are any insect pests, are hereby authorized and empowered to appoint some suitable person or persons, whose duty it shall be, acting under the direction of the State Entomologist, to poison, kill,

County Commissioners to appoint person to exterminate insect pest.

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catch and exterminate insect pests within such county, and any such person so appointed is hereby empowered and directed to enter upon any farm, railroad right of way, grounds or premises infested with such insect pests and poison, kill, catch and exterminate the insect pests therein.

Compensation.

Section 2. Any person so appointed under the provisions of this Act shall receive as compensation the sum of not less than two dollars and fifty cents, or more than four dollars per day for eight hours labor performed in poisoning, killing, catching and exterminating such insect pests exclusive of time going to and returning from such work. Such person shall make a sworn statement to the County of the time put in and the poison or other means used, which said statement shall be attached to the bill or claim against the County, and warrants therefor drawn on the "Insect Pest Fund" and registered as are other warrants as "not paid for want of funds in the treasury" and bear interest as other county warrants.

Statement of time.

Claims how paid.

Purchase of poison.

Section 3. The Board of County Commisssioners of any county may, from time to time, purchase such quantities and amounts of poisons, traps or other equipment necessary to carry out the provisions of this act to poison, kill, catch or exterminate such insect pests, and warrants in payment thereof shall be drawn on the "Insect Pest Fund" and registered as provided in Section 2 of this Act,

Tax levy to pay warrants.

Section 4. The Board of County Commissioners, shall determine the total amount of such warrants outstanding, and the succeeding year, shall levy a tax sufficient to retire and pay off all such outstanding warrants with accrued interest, which said tax shall be levied upon all the property in the county and shall not exceed one-half mill on each dollar of assessed valuation, and such tax when collected shall be credited to the "Insect Pest Fund" and said warrants shall at once be called in and paid off and discharged.

"Insect pests," definition of.

Section 5. The term "Insect Pest" as used in this Act shall include grasshopper, cut-worm, pale western cut-worm, army worm, chinch bug and any other insect generally recognized as a destroyer of grain, hay and horticultural crops.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 228.

An Act Relating to the Appropriation of Water for Sale, Rental, Distribution, or Other Beneficial Use, Amending Section 4840, 4843 and 4847 of the Revised Codes of the State of Montana, Making Appropriations Subject to Prior Adjudications Regulating the Manner of Use of Water Courses, Repealing Sections 4866, 4871, 4873, 4874, 4875, 4876, 4878 and 4880 of the Revised Codes of Montana, and Providing Penalties for a Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4840, Revised Codes.

Section 1. That Section 4840 of the Revised Codes of the State of Montana be amended to read as follows:

Appropriation of waters.

"Section 4840. The right to the use of the unappropriated water of any river, stream, ravine, coulee, spring, lake, or other natural source of supply may be acquired by appropriation, and an appropriator may impound, flood, seepage and waster waters in a reservoir and thereby appropriate the same."

Amending Section 4843, Revised Codes.

Section 2. That Section 4843 of the Revised Codes of the State of Montana be amended to read as follows:

Reclaiming waters.

"Section 4843. The water appropriated may be turned into the channel of another stream, or from a reservoir into a stream and mingled with its waters, and then reclaimed; but in reclaiming it, water already appropriated by another shall not be diminished in quantity, nor deteriorated in quality."

Amending Section 4847, Revised Codes.

Section 3. That Section 4847 of the Revised Codes of the State of Montana be amended so as to read as follows:

Notice of appropriation contains what.

"Section 4847. Any person hereafter desiring to appropriate the waters of a river, or stream, ravine, coulee, spring, lake, or other natural source of supply concerning which there has not been an adjudication of the right to use the waters, or some part thereof, must post a notice in writing in a conspicuous place at the point of intended diversion, stating therein:

1. The quantity of water claims, measured as hereinafter provided.

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2. The purpose for which it is claimed and place of intended use.

3. The means of diversion, with size of flume, ditch, pipe or aqueduct, by which he intends to divert it.

4. The date of Appropriation.

5. The name of the appropriator.

Filing notice, where.

Within twenty days after the date of appropriation the appropriator shall file with the County Clerk of the county in which such appropriation is made a notice of appropriation, which in addition to the facts required to be stated in the posted notice, as hereinbefore prescribed,

Contents of.

shall contain the name of the stream from which the diversion is made, if such stream have a name, and if it have not, such a description of the stream as will identify it, and an accurate description of the point of diversion of such stream, with reference to some natural object

Verification.

or permanent monument. The notice shall be verified by the affidavit of the appropriator or some one in his behalf, which affidavit must state that the matters and facts contained in the notice are true."

Appropriation, how made.

Section 4. Any person hereafter desiring to appropriate the waters of a river, or stream, ravine, coulee, spring, lake or other natural source of supply concerning which there has been an adjudication of rights between appropriators or claimants, as contemplated in section 4867 of the Revised Codes, shall employ a competent

Survey by engineer.

engineer to make a survey of the ditch, or aqueduct, whereby the water is to be conveyed from the source of supply, or the dam or other work whereby the water is to be impounded, or both, and the appropriator shall file with the Clerk of the Court in the County in which

Petition to be filed.

the water is appropriated a petition giving the amount of water sought to be appropriated, a description by

Contents of Petition.

name or otherwise of the water course or body which he intends to appropriate the water, and a general description of the ditch or aqueduct, stating its size, length and capacity, prepared by the engineer, showing the proposed means of appropriation and use of the water, and also the place of use thereof. If the means of appropriation be a reservoir by which the water is to be impounded, the petition shall state the location and size thereof together with the contemplated manner of its construction and the means of conveying the water to the place of contemplated use, and the contemplated use. There shall be filed with the petition a map showing the point of,

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and means of diversion, and the course of the ditch or aqueduct to its terminus, and if a reservoir, the contour line thereof, the height and width of the dam, the point and means of discharge therefrom, and the spillway. If the appropriator shall intend to mingle the waters appropriated from one stream with another, or shall intend to deposit the waters impounded in a reservoir into a stream, he shall so state.

The appropriator shall declare in his petition that the water rights sought by him shall be subject to, and that in the use thereof, he shall be bound by the terms of any decree theretofore rendered by a Court of competent jurisdiction adjudicating the waters of such river, stream, ravine, coulee, spring, lake or other natural source of supply, or any body of water to which the same may be tributary.

The appropriator shall, as near as may be, give the names of all appropriators or claimants who have, or appear to have, rights in the source of supply, from which the appropriation is sought, and whose rights may be in anywise affected by the appropriation, and in the petition the petitioner shall be named as plaintiff, and all other parties as defendants.

Summons to issue.

Section 5. Upon the filing of the petition, the Clerk shall issue a summons in the same form as the summons in a civil action, and a copy of the petition shall be served upon each defendant at the time of serving the summons. Service shall be made as in civil actions and service may be made by publication as provided in Title V. Part II. of the Code of Civil Procedure.

Default of defendants.

Section 6. If any defendant shall not appear within twenty days after the service of summons upon him, it shall be deemed by the Court that he has no objection to the court granting the appropriation sought by the plaintiff, and the defendant so failing to appear shall be deemed in default. Any defendant may appear by motion, demurrer, or answer, as in a civil action. The procedure in civil actions shall be followed in all proceedings under the terms of this act; provided that when the pleadings are settled the court shall summarily proceed to try and determine the case. Evidence may be offered by the parties as in civil actions. At the conclusion of the trial, the court may enter an interlocutory or permanent decree allowing the appropriation sought, either in whole or in part, subject to all prior rights as

Appearance, how made.

Procedure.

Decree.

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adjudicated, and subject to the terms of all prior decrees, or may make any other order deemed proper in the premises. If no objections are filed the Court shall enter such decree as the facts warrant.

Prior rights not affected.

Section 7. If the defendants, or any of them do not appear, their prior adjudicated rights shall in no wise be affected by the Court's Order. The Court shall in every case, if an appropriation be awarded the plaintiff, provide that the same shall be subject to all prior adjudicated rights, and the plaintiff shall be bound by the terms of all prior decrees with respect to the water right awarded him as if he had been a party to the decree originally.

Waters taken from one stream to another.

Section 8. If the water awarded the appropriator by the decree is to be taken from one stream or source of supply and turned into another stream or water course, and there mingled with the waters flowing therein, the court shall make provision in the decree regulating the same, to the end that the water appropriated by others shall not be diminished or deteriorated in quantity by the additional burden placed upon the stream or water course. The court may provide that

Measuring devices.

the appropriator shall provide all necessary measuring devices so that the water turned in by him from another stream, reservoir, or other source of supply and the water taken by him may be ascertained at any time and all times, and may provide that he shall leave in the stream or water course a percentage of the water turned in by him to bear a proportion of the loss caused by seepage

Discretion of court.

and evaporation in passage. The court shall have a wide discretion in ascertaining and determining the facts in all cases under the provisions of this act in order that the rights of all parties may be protected.

Conditions for work may be prescribed.

Section 9. The court may provide by interlocutory decree awarding the appropriation, the condition under which the ditch, aqueduct, dam or other work, necessary to the complete appropriation, shall be done and the time within which the same shall be completed until the conditions imposed are complied with. Upon a full compliance with the terms prescribed by the court, it shall

Decree to be entered.

enter its order and decree establishing the appropriation and fixing the date thereof, which, if the appropriator shall have been diligent in complying with the court order, shall be the date of the filing of the petition. The court may fix a later date if the facts warrant.

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Section 10. Any person not a party, or privy, to a decree adjudicating the waters of a river, stream, ravine, coulee, spring, lake or other natural source of supply, the same having been adjudicated, who shall divert the water thereof when the same shall be needed by another, without first complying with the terms of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten ($10.00) Dollars nor more than One Thousand ($1000.00) Dollars.

Violation of act a misdemeanor.

Penalty.

Section 11. Failure to comply with the provisions of this act, deprives the appropriator of the right to use any water of such stream, or other source of supply, as against any subsequent appropriator mentioned in or bound by a decree of the court.

Failure to comply with act, effect of.

Section 12. A certified copy of the final decree of the court shall be filed with the County Clerk who shall make a record thereof as is provided therefor in Section 4853 of the Revised Codes.

Certified copy of decree to be filed.

Section 13. Sections 4866, 4871, 4872, 4874, 4875, 4876, 4878 and 4880 of the Revised Codes of the State of Montana are hereby repealed.

Repealing clause.

Section 15. This Act shall be in effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 229.

An Act Fixing the Amount of Official Bonds of State and County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following named state officers shall give official bonds, conditioned as provided by law, in the following amounts, to-wit:

Amount of official bonds.

Adjutant General	$ 1,000.00
Chief Grain Inspector	1,000.00
Attorney General	25,000.00
State Auditor	10,000.00
Deputy State Auditor	2,000.00
Deputy Insurance Commissioner of State Auditor	2,000.00
State Fire Marshal	1,000.00
Bank Examiner	10,000.00
Assistant Superintendent of Banks	1,000.00

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Secretary of State Board of Health	1,000.00
Clerk of Supreme Court	3,000.00
State Forester	2,000.00
Game Warden	2,000.00
Chief Engineer of Highway Commission	3,000.00
Principal Assistant of Highway Commission	3,000.00
Chairman Industrial Accident Board	5,000.00
Chief Accountant Industrial Accident Board	2,000.00
Registrar of State Land Office	25,000.00
Assistant Registrar of State Land Office	5,000.00
Deputy Registrar of State Lands	5,000.00
Secretary and Chief Clerk Live Stock Commission	10,000.00
Six Market Inspectors each, of the Live Stock Commission	2,000.00
Twelve Inspectors each, of the Live Stock Commission	1,000.00
Railroad Commissioners each	5,000.00
Secretary of Railroad Commission	1,000.00
Superintendent Public Instruction	3,000.00
Secretary of State	10,000.00
Deputy Secretary of State	2,000.00
Chief Clerk Secretary of State	1,000.00
All other clerks each, of Secretary of State	1,000.00
State Veterinarian	1,000.00
State Treasurer	200,000.00
Deputy State Treasurer	2,000.00
Chief Clerk of State Treasurer	2,000.00
Clerk of State Treasurer	2,000.00
Income Tax Auditor	2,000.00

Bonds of officers not named, how fixed.

Section 2. All other state officers not herein mentioned shall give bonds in such amounts as shall be fixed by the State Board of Examiners.

Amount of bonds of county officers.

Section 3. The following named county officers shall give official bonds conditioned as provided by law in the following amounts, to-wit:

Sheriffs in counties of the first and second class	$15,000.00
Sheriffs in counties of the third class	10,000.00
Sheriffs in counties of fourth class	8,000.00
Sheriffs in counties of fifth and sixth class	7,000.00
Sheriffs in counties of seventh class	6,000.00
County Clerks in counties of the first and second class	10,000.00

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County Clerks in counties of the third and fourth class	8,000.00
County Clerks in counties of the fifth class	7,000.00
County Clerks in counties of the sixth and seventh class	5,000.00
County Assessors in counties of the first and second class	10,000.00
County Assessors in counties of the third class	7,000.00
County Assessors in counties of the fourth and fifth class	5,000.00
County Assessors in counties of the sixth class	4,000.00
County Assessors in counties of the seventh class	4,000.00
Clerks of District Court in counties of the first, second and third class	10,000.00
Clerks of District Court in counties of the fourth class	8,000.00
Clerks of District Court in counties of the fifth class	7,000.00
Clerks of District Court in counties of the sixth and seventh class	5,000.00
County Auditors in counties of the first and second class	10,000.00
County Auditors in counties of the third and fourth class	8,000.00
County Treasurers in counties of the first, second and third class	100,000.00
County Treasurers in counties of the fourth class	80,000.00
County Treasurers in counties of the fifth class	75,000.00
County Treasurers in counties of the sixth and seventh class	25,000.00
County Attorneys in counties of the first, second and third class	2,500.00
County Attorneys in counties of the fourth and fifth class	2,000.00
County Attorneys in counties of the sixth and seventh class	1,000.00
County Surveyors in counties of the first, second, third, fourth, fifth, sixth and seventh class	1,000.00

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County Superintendents of schools in counties of the first, second, third, fourth, fifth, sixth and seventh class	1,000.00
County Coroners in counties of the first, second, third and fourth class	5,000.00
County Coroners in counties of the fifth and sixth class	4,000.00
County Coroners in counties of the seventh class	2,000.00
Public Administrator in counties of the first, second and third class	10,000.00
Public Administrator in counties of the fourth and fifth class	8,000.00
Public Administrator in counties of the sixth and seventh class	5,000.00
County Commissioners in counties of the first, second, third and fourth class	5,000.00
County Commissioners in counties of the fifth and sixth class	3,000.00
County Commissioners in counties of the seventh class	2,000.00
Drain Commissioners in counties of the first and second class	5,000.00
Deputy Drain Commissioners in counties of the first and second class	1,000.00
Special Drain Commissioners in counties of the first and second class	1,000.00
Meat and Milk Inspectors in counties of first and second class	1,000.00
County Librarians in counties of the first and second class	1,000.00

Bonds of officers not named, how fixed.

Section 4. All county officers not herein enumerated shall give bonds in such amounts as shall be fixed by the Board of County Commissioners.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 230.

An Act Defining the Rights of Purchasers of Lands at Mortgage Foreclosure and Execution Sales, to the Possession of Such Lands and Crops Growing Thereon During the Period of Redemption.

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Be it enacted by the Legislative Assembly of the State of Montana:

Possession of lands at mortgage sale.

Section 1. The purchaser of lands at mortgage foreclosure or execution sales is not entitled to the possession thereof as against the execution debtor during the period of redemption allowed by law while said execution debtor personally occupies the land as a home for himself and his family.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 231.

An Act Amending Section 2091 of the Revised Codes of Montana of 1907, Relating to Taking Up Trespassing Stock.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2091, Revised Codes.

Section 1. That Section 2091 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 2091. If any such animal breaks into an enclosure surrounded by a legal fence, or is wrongfully upon the premises of another, the owner or occupant of the enclosure or premises may take into his possession the animal trespassing, and keep the same until all damages, together with reasonable charges for keeping and feeding are paid. The person taking any such animal into his possession shall, within seventy-two hours thereafter, give written notice to the owner or person in charge of the animal, stating that he has taken up such animal; said notice shall also give the date of such taking, the description of the animal or animals taken up, including marks and brands, if any, the amount of damages claimed and the charge per head per day for caring for and feeding the same, and shall describe, either by legal subdivisions or other general description, the location of the premises upon which said animals are held. In all cases a copy of said notice shall likewise be posted at a point where said stock was taken up. Such notice shall be given to the owner or person in charge only when said owner or person in charge of the animal or animals is known to the person taking up the same and resides with-

Trespassing animal to be kept until damages paid.

Notice of retention.

Contents.

Service.

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in twenty-five miles of the premises upon which such animals have been taken up. In case the owner or person in charge of such animals resides more than twenty-five miles from the place of such taking, notice as aforesaid shall be mailed to him, and in such case, and also in case the owner be unknown, a like notice shall be mailed to the Montana Livestock Commission and the Sheriff of the county in which such animals have been taken up.

By mail.

Upon receipt of such notice, the Sheriff shall post a copy thereof at the court house and shall send by registered mail a copy thereof to the owner of the stock, if known to him; if unknown to him, the Sheriff shall send a copy of such notice to the nearest State Livestock Inspector.

Sheriff to post notice.

In case the parties do not within five days thereafter agree as to the amount of damages, the lien claimant must within ten days thereafter institute a civil action to foreclose his lien in any court of competent jurisdiction, pending the outcome of which suit, the person taking up said stock may, at the expense of the owner, retain a sufficient amount of such stock to cover the amount of damages claimed by him, provided, however, that the defendant may after the institution of an action as aforesaid, upon filing in said cause a bond executed by two or more sureties and approved by the court, in double the sum sued for, conditioned for the payment to the plaintiff of all sums, including costs that may be recovered by said plaintiff, have the return to him of all livestock held as aforesaid, and said person shall be liable to such owner for any loss or injury to said stock occurring through his fault or neglect. If the person taking up said stock shall fail to recover in said action a sum equal to that offered him by the owner of the stock, the former shall bear the expense of keeping and feeding same while in his possession.

Foreclosure of lien, when.

Bond for recovery.

Failure to recover.

Any person taking or rescuing any such animal from the possession of the person taking the same, without his consent, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

Rescuing stock is misdemeanor.

Penalty.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 232.

An Act Amending Section 6824 of the Revised Codes of Montana of 1907, Relating to Exemption of Property from Execution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6824 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Amending Section 6824, Revised Codes.

"Section 6824. Property exempt from execution.—The following property is exempt from execution, except as herein otherwise provided; In all cases all wearing apparel of the judgment debtor and family; also all chairs, tables, desks, and books to the value of two hundred dollars; and also all necessary household, table and kitchen furniture of the judgment debtor, including one sewing machine, stoves, stove-pipes and stove furniture, heating apparatus, beds, bedding and bedsteads, and provisions and fuel provided for individual or family use sufficient for three months, and also one horse, saddle and bridle, two cows and their calves, four hogs and fifty domestic fowls, and feed for such animals for three months, one clock and all family pictures. An unmarried person who is not the head of a family, is not entitled to any of the exemptions herein mentioned, except that of the wearing apparel of the judgment debtor.

Property exempt from execution.

None of the property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage lien thereon and no person not a bona fide resident of this state shall have the benefit of these exemptions.

When not exempt.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

CHAPTER 233.

An Act to Provide for the Formation of Co-operative Agricultural or Horticultural Associations, Instituted for the Purposes of Mutual Help, and Not Conducted for Profit, and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of Policy.

Section 1. In order to promote, foster and encourage

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Purpose of Act.

the intelligent and orderly marketing of agricultural products through co-operation and to eliminate speculation and waste; and to make the distribution of agricultural products as directed as can be efficiently done between producer and consumer; to stabilize the marketing problems of agricultural products, and to supply to its members necessary equipment, this Act is passed.

Definitions as Used in this Act.

Definitions. "Agricultural products."

Section 2. (a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm products;

"Member."

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock;

"Association."

(c) The term "association" means any corporation organized under this Act; and

"Person." Associations are non-profit.

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers.

Name of Act.

This Act shall be referred to as the "Co-operative Marketing Act."

Who May Organize.

Number to organize.

Section 3. Five (5) or more persons engaged in the production of agricultural products may form a non-profit, co-operative association, with or without capital stock, under the provisions of this Act.

Purposes.

Purpose of organization.

Section 4. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Preliminary Investigation.

Preliminary investigation.

Section 5. Every group of persons contemplating the organization of an association under this Act, is urged

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to communicate with the Dean of the State Agricultural College, who will inform it whatever a survey of the marketing conditions affecting the commodities to be handled by the proposed association indicates regarding probable success.

Powers.

Section 6. Each association incorporated under this Act shall have the following powers:

Powers of associations.

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member.

(b) To borrow money and to make advances to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or

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to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsitent with the express provisions of this Act; and to do any such thing anywhere.

Members.

Members, who may be.

Section 7. (a) Under the terms and conditions prescribed in its by-laws, an association may admit as members, or issue common stock, only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

Other than natural persons.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer or member thereof, duly authorized in writing.

Membership in other associations.

(c) One association organized hereunder may become a member or stockholder of any other association or associations, organized hereunder.

Articles of Incorporation.

Articles of incorporation.

Section 8. Each association formed under this Act must prepare and file articles of incorporation, setting forth:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding forty (40) years.

(e) The number of its directors or trustees, which shall not be less than five nor more than thirteen, and the names and residences of those who are appointed for the first three months and until their successors are elected and qualified.

(f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with

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such general rule or rules. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the written consent or vote of three-fourths of the members.

(g) The articles must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the law of this state to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this state; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this state, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association. A certified copy of the articles of incorporation shall also be filed with the Dean of the State College of Agriculture.

Amendments to Articles of Incorporation.

Articles, how amended.

Section 9. The articles of incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members of the association. Amendments to the Articles of Incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this state.

By-Laws.

By-laws, adoption of.

Section 10. Each association incorporated under this Act must, within thirty (30) days after its incorporation, adopt for its government and management, a code of By-Laws, not inconsistent with the powers granted by this Act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such By-Laws. Each association under its By-Laws may also provide for any or all of the fellowing matters:

By-laws may provide for what.

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or by both, and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and

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term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and the shares of common stock; the conditions upon which, and the time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

General and Special Meetings—How Called.

General and special meetings, how called.

Section 11. In its by-laws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time, and ten per cent of the members or

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stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the by-laws may require instead that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the Association.

Directors—Election.

Directors, election of.

Section 12. The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the by-laws shall specify the number of directors to be elected by each district, the manner and method of re-apportioning the directors and of re-districting the territory covered by the association. The by-laws may provide that primary elections should be held in each district to elect the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the association.

Salary of officers and directors.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district.

Directors not to contract.

Vacancy, how filled.

When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provided for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Election of Officers.

Officers, election of.

Section 13. The directors shall elect from their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, who need not

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be directors, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered as an officer but as a function of the board of directors. In such case the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the board of directors.

Stock—Membership Certificates—When Issued—Voting —Liability—Limitations on Transfer and Ownership.

Certificate of membership.

Section 14. When a member of an association established without capital stock, has paid his membership fee in full, he shall receive a certificate of membership.

Stock issued when paid for.

No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note, but such retention as security shall not affect the members' right to vote.

Promissory notes not accepted.

Association to hold stock.

Liability of members for debts of association.

Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof.

Amount of stock member may hold.

No stockholder of a co-operative association shall own more than 1/20 of the issued common stock of the association; and an association, in its by-laws, may limit the amount of common stock which one member may own to any amount less than one-twentieth of the issued common stock.

Votes of members.

No member or stockholder shall be entitled to more than one vote.

Transfer of stock, when prohibited.

The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto.

Association may levy stock, when.

The association may at any time, except when the debts of the association exceed fifty per cent (50%) of the assets thereof, buy in or purchase its common stock at book value thereof as conclusively determined by the board of directors and pay for it in cash within one (1) year thereafter.

Removal of officers and directors.

Removal of Officer or Director.

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Section 15. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

Petition.

Hearing to be granted.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twelve per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director, by a vote of the majority of the members of that district, the director in question shall be removed from office.

Primary elections.

Referendum.

Section 16. Upon demand of forty per cent of the entire board of directors, any matter that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; provided, however, that a special meeting may be called for the purpose.

Matters may be referred when.

Marketing Contract.

Section 17. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members with or without taking title thereto; and pay over to its members, the re-sale price, after deducting all necessary selling, overhead and other costs and expenses.

Marketing contracts, execution of.

The by-laws and the marketing contract may fix, as liquidated damages, specific sums to be paid by the

Liquidated damages on breach of contract.

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member or stockholder to the association upon the breach by him of any provisions of the marketing contract regarding the sale or delivery or withholding of products and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state.

Injunction on breach of contract.

In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Annual Reports.

Annual report of association.

Section 18. Each association formed under this Act shall prepare and make out an annual report on forms furnished by the Commissioner of Agriculture, or other state official designated to receive such reports, containing the name of the association, its principal place of business and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operations; the amount of its indebtedness, or liability, and its balance sheets.

Contents of.

Contracts and Agreements with Other Associations.

Powers to contract with other associations.

Section 19. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper stipulations, agreements and contracts and arrangemnts with any other co-operative corporation, association or associations, formed in this or in any other state, for the co-operative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means and agencies for carrying on and conducting their respective businesses.

Association Heretofore Organized May Adopt the Provisions of This Act.

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Associations electing to come under this act, procedure.

Section 20. Any corporation or association organized under previously existing statutes, may by a majority vote of its stockholders or members be brought under the provisions of this Act by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors, upon forms supplied by the corporation commissioners, to the effect that the corporation or association has by a majority vote of its stockholders or members decided to accept the benefits and be bound by provisions of this act. Articles of Incorporation shall be filed as required in Section 8, except that they shall be signed by the members of the board of directors. The filing fee shall be the same as for filing an amendment to Articles of Incorporation.

Constitutionality.

Part of Act unconstitutional, effect of.

Section 21. If any section of this act shall be declared unconstitutional for any reason, the remainder of the act shall not be affected thereby.

Filing Fees.

Fee for filing articles.

Section 22. For filing Articles of Incorporation, an association organized hereunder shall pay to the Secretary of State, Five ($5.00) Dollars; and for filing an amendment to the articles, Two and 50/100 ($2.50) Dollars.

Section 23. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 24. This Act shall be in effect from and after its passage by the Legislative Assembly and its approval by the Governor.

Approved March 5, 1921.

CHAPTER 234.

An Act Amending Sections 7670 and 7673 of the Revised Codes of Montana of 1907, Relating to Proceedings to Determine Heirship on the Settlement of Estates.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 7670, Revised Codes.

Section 1. That Section 7670 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

Petition, when to be filed.

"Section 7670. Any person claiming to be heir to the deceased, or entitled to the distribution in whole or a part of an estate may, at any time after the issuing of

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letters testamentary or of administration upon such estate, file a petition in the matter of such estate, praying the court or judge to ascertain and declare the rights of all persons to said estate, and all interests therein, and to whom distribution thereof should be made. Upon the filing of such petition, the court or judge must make an order directing service of notice to all persons interested in said estate, to appear and show cause, on a day to be therein named, not less than sixty days nor more than four months from the date of the making of such order, in which notice shall be set forth the name of the deceased, the name of the executor or administrator of said estate, the names of all persons who may have appeared claiming any interest in said estate, in the course of the administration of the same, up to the time of the making of said order, and such other persons as the court or judge may direct, and also a description of the real estate whereof said deceased died seized or possessed, so far as known, described with certainty to a common intent; and requiring said persons and all persons named or not named, having, or claiming any interest in the estate of said deceased, at the time and place in said order specified, to appear and exhibit, as hereinafter provided, their respective claims of heirship, ownership, or interest in said estate, to said court or judge, which notice shall be served in the same manner as a summons in a civil action; upon proof of which service, by affidavit or otherwise, to the satisfaction of the court or judge, the court or judge shall thereupon acquire jurisdiction to ascertain and determine the heirship, ownership, and interest of all parties in and to the property of said deceased, and such determination shall be final and conclusive in the administration of said estate, and of the title and ownership of said property, the court or judge must enter an order establishing proof of the service of such notice. Provided, that whenever it appears to the satisfaction of the court or judge that such estate consists of personal property only, and upon application being made showing good reason therefor, the court or judge may, in its discretion, make an order directing service of said notice to all persons interested in said estate to be made by posting or publication, or both, for such shorter period as to the court or judge may appear proper and requisite."

Notice to be given.

Contents of notice.

Jurisdiction on proof of service.

When estate consists of personal property.

Amending Section 7673, Revised Codes.

Section 2. That Section 7673 of the Revised Codes of

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Montana of 1907, be and the same is hereby amended to read as follows:

"Section 7673. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or any heir, legatee, or devisee, the court or judge, must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, and the issue of other children, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to by inheritance must, without administration, be distributed to the other heirs at law; provided, that whenever it appears any of the persons claiming to be heirs, or claiming a right to share in said estate, are non-residents of the United States, then a proceeding to determine their rights shall be held under the provisions and as provided for in sections 7670, 7671, and 7672 of the Revised Codes with reference to the determination of heirship. Whenever all the heirs or devisees of any estate who are residents of the United States, shall agree that any non-resident of the United States is a lawful heir or devisee of said estate and is lawfully entitled to share therein, said agreement may be reduced to writing and filed with the clerk of the court in the matter of said estate, and thereafter it shall not be necessary for any such non-resident heir or devisee to institute any proceedings to determine his rights of heirship. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final accounts, must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court or judge, and included in the order; or the court or judge may order notice of the settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts."

Distribution, when to be made.

Non-residents of United States.

Statement to be filed.

Settlement.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 235.

An Act to Amend Section 17 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly, Providing for Posting Supplemental Lists of Registered Electors and for the Form of Princinct Poll Books.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 17, Chapter 122, Laws of 1915.

Section 1. That Section 17 of Chapter 122 of the Acts of the Fourteenth Legislative Assembly be and the same hereby is amended so as to read as follows:

"Section 17. The County Clerk shall, at least thirty days preceding any election, cause to be printed and

List of electors to be posted.

posted a list of all electors entitled to be registered, as shown by the official register of the county, and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class. Such printed list of registered electors

List to contain what.

shall contain the name of the elector in full, together with his residence, giving the number and street, or the name of the house, or the section, township and range, as shown by the official register card of the elector, and

Expense of printing.

the registry number. The expense of printing said list shall be paid by said county, city or town, or school district in which the election is to be held. The County Clerk shall cause to be posted, not less than thirty day

Posting of list.

before any such election, as in this Act provided, for at least five copies of such printed registry list in at least five conspicuous places within the said precinct, a copy of the list of registered voters herein provided for, and shall retain sufficient number of said printed lists of registered voters in his office as may be necessary for the convenience of the public. He shall furnish to any

Qualified elector may obtain.

qualified elector of any county, city or town or school district applying therefor a copy of the same provided that where the list herein provided for has been printed and posted for any primary election, the same may be used for the election proper following by posting in connection therewith at the time provided for in this section a supplemental list giving the names of electors who may have registered after the first list was prepared.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1921.

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CHAPTER 236.

An Act Relating to Bonds of Certain Irrigation Districts, Providing Under What Circumstances Such Bonds Shall Be Legal Investments for Funds of Banks, Insurance Companies and Trust Companies, Trust Funds, State School Funds and Any Money or Funds Which May Now or Hereafter Be Invested in Bonds of Cities, Counties, School Districts or Municipalities, and Providing Under What Circumstances the Use of Bonds of Certain Irrigation Districts as Security for the Performance of Any Act May Be Authorized.

Be it enacted by the Legislative Assembly of the State of Montana:

Resolution declaring bonds available as legal investments.

Resolution to be filed when.

Section 1. Whenever the board of commissioners of any irrigation district organized and existing under and pursuant to Chapter 146 Acts of the Eleventh Legislative Assembly and Acts amendatory thereof or supplemental thereto of the laws of the State of Montana shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of commissioners shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Report of irrigation district bond commission.

Report to be made.

Section 2. Such commission, upon receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points.

Water available.

(a) The supply of water available for the project and the right of the district to so much water as may be needed.

Character of soil.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainings.

Feasibility of project.

(c) The feasibility of the district's irrigation system and of the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.

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Market value of works.

(d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds.

Market value of lands.

(e) The reasonable market value of the lands included within the boundaries of the district.

(f) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canal, reservoirs, reservoir sites, and irrigation works owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (d) and (e) in this section.

Bonds in excess of land values.

Bond issues.

(g) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section 7 of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (f) of this section.

Certification by secretary of state.

Consent to be filed.

Section 3. The written consent of the investigation herein provided for shall be filed in the office of the secretary of state and a copy of said report shall by the commission be forwarded to the secretary of the district for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the irrigation system of the district and the specific project for which the bonds under consideration are desired or have been used, whether such project be constructed, projected or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, reservoir, reservoir sites, and irrigation works owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such irrigation district, as described and enumerated in said report filed with the secretary of state, shall be certified by the secretary of state, as hereinafter

Contents of.

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provided for. If the commission shall be notified by the board of commissioners of any district whose irrigation system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the secretary of state a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the secretary of state as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of an irrigation district have been enumerated and described as entitled to certification by the secretary of state as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the secretary of state to provide for filing and preserving the reports mentioned in this section, and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section four of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

Supplemental report to be filed when.

Subsequent bond issues.

Duty of Secretary of State to file report.

Provisions of section two directory.

Section 3a. The provisions of section two of this act as to the points upon which said commission shall report are directory merely and the board may authorize such certification when in their opinion, subject to the provisions otherwise contained in this act, their findings justify such action.

Provisions of Act are directory.

No expenditures without consent of commission.

Section 3b. Whenever the bonds of any irrigation district have been certified, as provided in this act, no expenditure exceeding the sum of Twenty-five Hundred Dollars ($2500) shall be made from the construction fund of such district without the consent of the commission provided for in this act and no obligation shall be incurred chargeable against such fund without previous authorization of the commission nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise.

Expense, how incurred.

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Certification of bonds as needed.

Certiifcation of bonds.

Section 3c. Whenever the survey, examinations, drawings and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with section nine of the Montana irrigation district act, and in accordance with a plan or schedule adopted by resolution of the board of commissioners of the district, it shall be necessary for the commission to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time as needed by the district. If the commission shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of commissioners, the bonds so voted and certified shall only be sold after prior written approval of the commission.

Form of secretary of state's certificate.

Form of certificate of Secretary of State.

Section 4. Whenever any kind of an irrigation district organized and existing as aforesaid, including any bonds authorized in any such district but not sold, which shall be eligible to certification by the secretary of state under section three of this act, shall be presented to the secretary of state, he shall cause to be attached thereto a certificate in substantially the following form:

Helena, Montana .....(Insert date)

I, ..., secretary of state of the State of Montana, do hereby certify that the within bond, No. ..... of issue No. ..... of the .... irrigation district, issued ..... (insert date), is, in accordance with an act of the legislature of Montana approved ....., a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney-general and state examiner of the State of Montana, in pursuance of said Act. The within bond may also, according to the consti-

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tution of the State of Montana, be used as security for the deposit of public money in banks in said State.

Secretary of State of the State of Montana.

Modification of certificate when.

In case of a change in the constitution of any of the laws of this State relating to the bonds of irrigation districts. the secretary of state, shall, if necessary, modify the above certificate so that it shall conform to the facts.

Signing of certificate.

A facsimile of the secretary of state's signature, printed or otherwise impressed upon said certificate shall be a sufficient signing thereof; provided that the imprint of the secretary of state's seal thereon shall appear upon both the certificate and the bond over and through the printed signature.

Irrigation district bond commission created.

Bond commission, how constituted.

Section 5. The attorney general, the state engineer and the state examiner are hereby constituted the commission herein provided for and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

Expenses.

Expenses of investigation.

Section 6. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require, including the salaries and expenses of all necessary assistants, and including the expenses but not the salary of the State Engineer, by the irrigation district whose property has been investigated and reported on by the said commission; provided, that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

Bonds certified legal investments for trust funds, etc.

Bonds legal investments.

Section 7. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties,

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school districts, or municipalities in the state of Montana, such money or funds may be invested in the said bonds of irrigation districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of irrigation districts under the limitations in this act provided may be so used.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

CHAPTER 237.

An Act to Provide for the Taxation of the Net Proceeds of Mines and Repealing Sections 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570 and 2571 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, corporation or association engaged in mining upon any quartz vein or lode or placer mining claim, or mining from or upon any mine whatsoever containing gold, silver, copper, coal, lead, or other valuable mineral or minerals deposit, must between the first and tenth days of June in each year make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of June, and the value thereof. Such statement shall be in the form prescribed by the State Board of Equalization, and must be verified by the oath of such person, or the manager, superintendent, agent, president or vice-president of such corporation, association or partnership, and must be delivered to the State Board of Equalization, on or before the tenth day of July. Such statement shall show the following:

Statement of gross value to be made when.

Form of statement.

Delivered to Board of Equalization when.

Contents of statement.

1. The name and address of the owner or lessee of the mine.

2. The description and location of the mine.

3. The number of tons of ore or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral

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products or deposits to such person, corporation or association, so engaged in mining, in constituents of commercial value; that is to say, the number of ounces of gold or silver, pounds of copper or lead, tons of coal, barrels of petroleum, or other crude or mineral oil, or other commercially valuable constituents of said ores or mineral products or deposits, measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, during the period covered by the statement.

5. The gross yield or value in dollars and cents.

6. Actual cost of extracting same from mine.

7. Actual cost of transporting to place of reduction or sale.

8. Actual cost of reduction or sale.

9. Actual cost of marketing the product, and conversion of the same into money.

10. Cost of construction, repairs and betterments of mines, and costs of repairs and replacements of reduction works.

11. The assessed valuation of reduction works for the calendar year next preceding the year within which such return is made.

Gross proceeds computed.

Section 2. The State Board of Equalization shall thereupon calculate and compute from said return the gross product yielded to such person, corporation or association so engaged in mining, and its gross value in dollars and cents of every mine for the year preceding the first day of June, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation or association so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross product thereof the following, to-wit:

Net proceeds computed.

All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments; for improvements, repairs and betterments necessary in and about the working of the mine; for costs of repairs and replacements of the milling and reduction works used in connection with the mine; depreciation in the sum of six per cent (6%) of the assessed valuation of such milling and reduction works for the calendar year ending December 31st and immediately preceding; also all money expended for transporting the ores, mineral products or deposits from the mine to the mill or reduction works or to the place of

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sale, and for extracting the metals and minerals therefrom, and for marketing the product and the conversion of the same into money; but moneys invested in the mines and improvements during any year, except in the year immediately preceding such statement, must not be included in such expenditures, and such expenditures shall not include the salaries, or any portion thereof, of any person or officers not actually engaged in the working of the mine or superintending the management thereof.

Board of Equalization to compute gross proceeds, when.

Provided, however, that if any such report contains any wilfully false or fraudulent statements as to the gross amount received by any person, corporation or association, so engaged in mining as aforesaid, for any mine's product, then the said State Board of Equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the average quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery, as evidenced by some established authority or market report, such as the Enginering and Mining Journal of New York City, or some other standard publication, giving the market reports for the year covered by the statement; and, provided further, that if any such person, corporation or association has sold or otherwise disposed of any of its mine's product at a price substantially below the true market price of such product at the time and place of such sale or disposal, then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery at the time such portion of the product was so sold or otherwise disposed of, as evidenced by some established authority or market report, such as the Engineering and Mining Journal of New York City, or some other standard publication, giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof, as shall have been sold or otherwise disposed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable.

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Net proceeds certified to county clerk.

Section 3. On or before the first day of August in each year the State Board of Equalization shall certify to the county clerk of each county in which mines and mining claims are situated, the valuation of the net proceeds of such mines and mining claims for the purposes of taxation, as the same have been determined and fixed by such State Board of Equalization, and the county clerk shall immediately enter the same upon an assessment roll called "Assessment Roll of Net Proceeds of Mines", alphabetically arranged, and in which shall be specified in separate columns and under the following heads:

Contents of assessment roll of net proceeds.

1. The name and address of the owner or lessee of the mine.

2. The description and location of the mine.

3. The number of tons of ore or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement.

4. The gross value of the ores, mineral products or deposits in dollars and cents, extracted and treated, or sold during the year, to be determined as provided in Section 2 of this Act.

5. The net proceeds in dollars and cents of such mine or mining claim during the year to be determined as provided in Section 2 of this Act.

The form of said assessment roll shall be prescribed by the State Board of Equalization in conformity with the provisions of this Act, and the State Board of Equalization shall furnish said form to the assessor of each county in order that forms may be uniform throughout the State.

Board of Equalization to estimate net proceeds, when.

Section 4. If any person, partnership, association or corporation shall refuse or neglect to make and deliver, under oath, to the State Board of Equalization any statement required by this Act, or to comply with any requirements of this Act, the State Board of Equalization must cause such refusal to be noted upon the assessment roll opposite the name of such person, partnership, association or corporation, and must make an estimate of the ores, mineral products or deposit mined and treated or sold by such person, partnership, association or corporation, and upon such estimate shall fix and determine the value of the net proceeds of said mine or mining claim, as hereinbefore set forth. In making an estimate of the value of the net proceeds under this Section, the

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State Board of Equalization shall have the power to subpoena and examine, under oath, any person, members of a partnership or association, officers or agents of a corporation, and the employes of such person, partnership, association or corporation, and every person who refuses or neglects to appear and testify, when required so to do by the State Board of Equalization as herein provided, for each and every refusal shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars ($1000.00), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Violation of act is misdemeanor.

Penalty.

False statement is perjury.

Section 5. If any person required by this Act to make or file any statement, or to verify, under oath, any statement, shall make such statement false in any material respect, or shall verify, under oath, any statement false in any material respect, such person shall be deemed guilty of perjury, and upon conviction thereof, shall be punished as is by law provided for the punishment of perjury.

Penalty.

Records examination of by board.

Section 6. The State Board of Equalization shall have the right and power at any time to examine the records of any person, partnership, association or corporation specified in this Act, as the same may pertain to the yield of ore or mineral products or deposit, in order to verify the statements made by such person, partnership, association or corporation, and if, from such examination, or from other information, said State Board of Equalization find any statement, or any material part thereof, wilfully false or fraudulent, said State Board of Equalization must assess in the same manner as provided for in Section 2 of this Act.

Tax on net proceeds how levied and collected.

Section 7. The tax on such net proceeds must be levied, collected and the payment thereof enforced as the levy, collection and enforcement of other taxes are provided for, and every such tax is a lien upon the mine or mining claim from which the ore, or mineral products or deposits are mined or extracted, which lien attaches on the first Monday of March in each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes.

Exemptions, what are not.

Section 8. Nothing in this Act must be construed so as to exempt from taxation the surface ground, improvements, buildings, erections, structures or machinery

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placed upon any mine or mining claim, or used in connection therewith, or supplies used either in mills, reduction works or mines.

Repealing clause.

Section 9. Sections 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570 and 2571 of the Revised Codes of Montana, 1907, and all other acts, and parts of acts, in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 238.

An Act Relating to Fish and Game and Game Birds; Governing and Regulating the Issuance of Hunting, Fishing and Trapping Licenses; Creating a Fish and Game Fund and Governing Its Use; Regulating the Manner of Taking Fish and Game Animals and Birds, Regulating Closed Seasons Therefor, Providing Penalties for the Violation of This Act and Repealing Sections 1 to 7 Inclusive, Section 24, Sections 30 to 33 Inclusive, 35, 39 and 40 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and Repealing Chapter 4 of the Session Laws Passed at the Extraordinary Session of the Legislative Assembly of 1918, Approved February 20th, 1918, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. Definitions. For the purposes of this Act, the following shall be construed, respectively, to mean:

Commission. Commission.

Commission. The State Fish and Game Commission.

Person. Person.

Person. The plural or singular, as the case demands, including individuals, associations, partnerships and corporations, unless the context otherwise requires.

Open season.

Open Season. The time during which game birds, fish, game or fur-bearing animals may be taken.

Closed season.

Closed Season. The time during which fish, birds, game and fur-bearing animals may not be taken.

Angling or fishing.

Angling or Fishing. The taking of game fish by hook and line in hand or rod in hand.

Game animals.

Game Animals. Deer, elk, moose, antelope, bison, or buffalo, caribou, mountain sheep and mountain goat.

Fur-bearing animals.

Fur-Bearing Animals. Marten, Otter, fox, sable, muskrat and fisher.

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Predatory animals.

Predatory Animals. Coyote, wolf, wolverine, mountain lion, lynx and bobcat, bears.

Game fish.

Game fish. Mountain Trout, (Salmo Clarkii); Rainbow Trout, (Salmo Irrideus); Eastern Brook Trout, (Salvelinus Fontinalis); Grayling, (Thymallus Montanus); Rocky Mountain Whitefish, (Coregonus Williamsoni); Steelhead Trout, (Salmo Rivularia); Black Bass, (Micropterus Salmoides); Dolly Varden Trout, (Salvelinus Malma); Loch Levin Trout.

License to fish and hunt.

Section 2. License Required. That it shall be unlawful for any person to take, hunt, shoot, pursue or kill any game, game birds or animals, or take with traps or other devices any fur-bearing animals, or take, capture, or fish for, any fish, or engage in hunting, trapping or fishing within this State except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful.

Violation of Act, punishment.

Any person who shall take, fish, hunt, kill or trap any fish, game birds, game or fur-bearing animals within this State without securing the necessary license therefor, as in this Act provided, shall be guilty as herein specified. The provisions of this Act with reference to licenses shall not take effect until after April Thirtieth (30th) 1921, when present hunting and fishing licenses expire.

When effective as to licenses.

Licenses, classes of.

Section 3. Classes of Licenses. Licenses shall be divided into the following classes:

Class A, resident, general license.
Class B, non-resident, general license.
Class C, non-resident, limited license.
Class D, non-resident, fishing license.
Class E, Alien, general license.
Class F, Alien, fishing license.
Class G, Trappers license.

License, how procured.

Section 4. Application for License. Such license shall be procured from the State Fish and Game Warden, or any salaried or special Deputy State Fish and Game Warden, any Justice of the Peace, or any person authorized by the State Fish and Game Warden. Before giving any person other than a salaried Deputy State Fish and Game Warden, or any Justice of the Peace, the authority to sell or issue licenses, the State Fish and Game Warden may exact from such person a bond not to exceed the sum of One Thousand Dollars ($1,000.00), to be approved

Bond to issue license.

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by the State Fish and Game Warden, conditioned that such person will turn over to the State Fish and Game Warden all sums received by him for such licenses, which said bond shall run to the State of Montana. The applicant shall fill out a blank application furnished by the Commission, stating the name, age, occupation, place of residence and post-office address of the applicant, the length of time in the State of Montana; whether a citizen of the United States or an alien, and such other facts or descriptions as may be required by the Commission. Said application shall be subscribed and sworn to by the applicant before any officer authorized to administer oaths in this State, and the persons or officers hereby authorized to issue licenses are also hereby authorized to administer oaths to applicants for such licenses.

Conditions of bond.

Application for contents of.

Section 5. Fees and Powers Under Licenses. Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars ($2.00), as a license fee, and shall obtain a license of Class A, which shall entitle the holder to hunt, kill, capture, take and possess game, game birds and animals and to fish with hook and line as authorized by this Act.

Fee for license.

All citizens of the United States who have lived in this State for at least six (6) months, or officers and soldiers of the United States Army, or students at any institution of learning within the State shall be deemed resident citizen for the purposes of this section, as well as all officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

Resident citizens who are.

Said applicant, if a non-resident of the State, or a resident for less than six (6) months, and a citizen of the United States, shall pay to the officer countersigning and issuing the license, the sum of Thirty Dollars ($30.00), as a license fee and shall obtain a license of Class B, which shall entitle him to hunt, kill, capture, take and possess game, game birds and animals, and to fish with hook and line as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Ten Dollars ($10.00) as a license fee, and shall obtain a Class C, license, which shall entitle him to hunt and kill game birds and small game and to fish with hook and line as authorized by this Act; and such non-resident on like application and on the payment of the sum of

Non-resident, license fees for.

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Three Dollars and Fifty Cents ($3.50) as a license fee, and shall obtain a Class D license, which shall entitle the holder to fish with hook and line as authorized by this Act.

Alien, license fee for.

Said applicant, if an alien, resident or non-resident, shall pay the officer countersigning and issuing the license the sum of Fifty Dollars ($50.00) as a license fee, and shall obtain a Class E license, which shall authorize him to hunt, capture, kill, take and possess game, game birds and game animals, and to fish with hook and line as authorized by this Act; such alien, on the payment of the sum of Ten Dollars ($10.00) as a license fee, and shall obtain a Class F license, which shall entitle him to fish with hook and line as authorized by this Act; provided, however, that any person in possession of first citizenship papers shall be considered a resident of the State of Montana, for the purposes of this Act.

National parks and preserves excepted from license.

No license issued under this Section shall be, or be deemed to authorize hunting or fishing in National Parks or National Game or Bird Preserves, now designated or which may be hereafter designated by the State Fish and Game Commission, and all hunting and fishing thereon is hereby prohibited except in accordance with rules and regulations duly adopted by the proper Federal authorities.

Fund for destruction of predatory animals.

Twenty-five Cents ($0.25) out of every license fee collected, shall be set aside as a fund to be used in co-operation with the United States Biological Survey for the destruction of predatory animals.

Temporary receipt in lieu of license.

Section 6. Temporary Receipt in Lieu of License. In case a person applies to a proper officer or person for a license and it is impossible, at the time, for such officer or person to issue and deliver a license to the applicant, such officer or person shall require the applicant to fill out, sign and swear to a proper form of application for a license, as prescribed by this Section, and if it shall appear that the applicant is entitled to license, such officer or person shall issue and deliver to the applicant, on the payment of the proper fee, an official receipt, forms which, numbered consecutively, shall be furnished by the State Fish and Game Warden to all persons authorized to issue licenses; any receipt issued by any such officer or person shall contain a description of the applicant sufficient for identification, and such applicant shall write his name across the face of the receipt and shall carry the same on his person in lieu of a license

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while he is hunting or fishing; the officer or person issuing such temporary receipt, within ten (10) days thereafter, mail to the State Fish and Game Warden the stub of such official receipt, together with the application, and remit the amount of the fee collected therefor, and the State Fish and Game Warden shall immediately issue the proper license, and mail the same to the applicant at the address given in his application; and it shall be the duty of the applicant immediately upon receipt of such license to mail his temporary receipt to the State Fish and Game Warden; forms of temporary receipts furnished to an officer or person authorized to issue licenses shall be returned not later than the thirtieth (30th) day of April of each year to the State Fish and Game Warden, to be credited to the account of the person to whom they were charged.

Issuance of proper license.

Return of temporary receipts.

Section 7. Disposition of Fees. The license fees provided to be paid in this Section, shall be remitted by the officers or persons issuing said licenses on the tenth and twenty-fifth days of each month to the State Fish and Game Warden, with a schedule setting forth the name and residence of each license, and the serial number and class of, and the amount paid for, each license issued. The fee provided to be paid to the officer or person issuing a license shall be retained by him for his compensation. The license fees received by the State Fish and Game Warden shall be remitted on the tenth and twenty-fifth days of each month with a schedule setting forth the name and residence of each licensee the serial number and class of, and the amount paid for, each license, to the State Treasurer, and placed by him in a special fund known and designated as the State Fissh and Game Fund. Said Fund is hereby exclusively set apart and made available for the payment of salaries, per diem, fees, expenses and expenditures of every sort and kind whatsoever authorized to be made by the State Fish and Game Commission, and said funds shall be expended for any and all such purposes by said Commission, subject to the proper audit and allowance by the State Board of Examiners.

License fees when remitted.

Fees retained by officer.

Paid to State Treasurer.

State Fish and Game Fund.

Expenditures, how made.

Section 8. Form and Contents of Licenses. The form of the license shall be determined and the license blanks prepared by the Commission and by it furnished to the officers and persons authorized to issue the same. Sid licenses shall be issued in the name of the Commission

Form of license.

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and be countersigned by the officer or person issuing the same. Each license issued shall be signed by the licensee in ink or indelible pencil on the face thereof.

Person must carry license.

Section 9. Carrying and Exhibiting License. No person to whom a license has been issued shall be entitled to take fish, birds or animals in this State unless at the time of such taking he shall have such license in his possession, and shall exhibit the same for inspection to any warden or other officer or person requesting to see the same.

Termination of license.

Section 10. Termination of License. Such licenses shall be void after the thirtieth (30th) day of April next succeeding their issuance.

Persons to whom Act does not apply.

Section 11. Exception. The provisions of this Act shall not apply to persons hunting, killing or trapping predatory animals, prairie dogs, ground squirrels, skunk, weasel, jackrabbit, pocket gophers, hawks, crows or magpies, which may be killed, taken, trapped, possessed, bought, sold or transported in any manner, at any time, or to persons under fifteen (15) years of age, who may hunt, kill and capture game animals, fur-bearing animals, game birds and fish during the open season without a license.

Alteration and transfer of license prohibited.

Section 12. Alteration or Transfer of License. No person shall at any time alter or change in any material manner, or loan or transfer to another, any license, issued in pursuance to the provisions of this Act, nor shall any person other than the person to whom it is issued use the same. Any person who shall swear or affirm to any false statement in application for a hunting, fishing or trapping license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly. Any false statement contained in any application for such license shall render the license null and void.

False statement in application.

Misdemeanor.

License void.

Reports of deputies, when.

Section 13. Report. On the thirtieth (30th) day of April of each year, each Deputy or Special Deputy Fish and Game Warden and each other officer or person authorized to issue licenses, shall detach the stubs of licenses issued by him, and forward the same, together with all unused licenses, securely attached to a report of the number issued and the amount of license money received, to the State Fish and Game Warden, whose duty it shall be to see that proper returns are made to him by all such wardens, other officers or persons; and the State Fish and Game Warden shall recapitulate and tabulate the

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total number of licenses of all kinds issued in the State and the fees received therefor, and he shall include such date in his report remitting the fees to the Treasurer.

Data in remitting to State Treasurer.

Section 14. Manner of Taking Fish and Game. No person shall take, capture, shoot, kill, or attempt to take, capture, shoot or kill any game animals or game birds from any automobile, or within the bounds of any public highway, or by the aid or with the use of any set-gun, jack-light or other artificial light, trap, snare, or salt-lick, nor shall any such set-gun, jack-light or other artificial light, trap, snare, salt-lick or other device to entrap or entice game animals or game birds, be used, made or set; provided, however, this does not prohibit the shooting of wild water fowl from blinds or over decoys; nor shall game birds or game animals be killed or hunted from an aeroplane, power-boat, sail-boat, any boat under sail, or any floating device towed by power-boat or sail-boat. No person shall take into a field or forest, or have in his possession, while out hunting, any device or mechanism, designed to silence or muffle or minimize the report of any firearm, whether such device or mechanism be separated from or attached to any firearm. A person may take game birds and small wild animals during the open season therefor with the aid of a dog, unless specifically prohibited by this law. An association organized for the protection of game, may run field trails for dogs at any time upon obtaining written permission from the State Fish and Game Warden.

Manner of taking fish and game.

Field trials by associations.

It shall hereafter be unlawful for any one person to catch from the public waters of this state more than fifty fish with a gross weight of more than twenty-five pounds of any of the variety of fish designated herein, as game fish, or more than ten of any such game fish which are less than six inches in length in any one day. It is hereby declared to be the intention of this Act to provide that fifty fish with a gross weight of not more than twenty-five (25) pounds of any or all of the game fish shall constitute the limit for a day's fishing. It shall be unlawful for any person to be in possession of more than fifty fish or more than twenty-five pounds gross weight of any kind of game fish at any one time.

Catch of fish limited.

Game fish shall be taken only by angling; that is, by hook and line in hand or rod in hand. It shall be unlawful to catch any game fish through ice. In case any game is unintentionally taken contrary to the prohibi-

Fish to be taken only by angling.

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tions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury. Any person who shall take, capture, shoot, hunt, or kill any fish, game, game birds, or fur-bearing animals of this State in any manner contrary to the provisions of this Act shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished accordingly; provided, that nothing herein shall be construed to prevent the taking of Bull or Dolly Varden Trout by line and hook held in hand, and whitefish.

Violation of Act is misdemeanor.

Penalty.

Artificial lake.

Section 14-A. Any person who owns or lawfully controls an artificial lake or pond may stock the same with fry procured from the Federal or from the State Government at the prevailing market price, providing there is a surplus of said fry, or from any other lawful source, and shall thereafter have the right and privilege to take from said lake or pond in any manner, except by the use of poisons or explosives, the fish contained therein, and to sell and dispose of said fish and of eggs and fry taken therefrom. The words "artificial lake or pond" as herein used, shall not be construed to include any natural pond or body of water created by natural agencies, but shall be limited only to such bodies of water as are created by the artificial diversion or storage of water and shall not exceed 100 acres of surface area.

Fish from may be sold.

"Artificial lake," definition.

Stocking of fish pond.

That any person who has or owns a lake or pond, or who owns or controls the land entirely surrounding such lake or pond, may take fish for spawning purposes therefrom to be used in stocking the same, and any person who has heretofore, or who shall hereafter cause the said lake or pond to be stocked, or who shall hereafter cause the said lake or pond to be stocked from year to year, and every year for not less than three years, with not less than two thousand fry for every acre of the superficial area of such lake or pond, shall have the right and privilege, under the terms and restrictions of law, to take from said lake or pond in any manner, except by the use of poisons or explosives the fish contained therein, and to sell and dispose of the same as well as the eggs and fry so taken. Any such owner or holder of a lake or pond shall sell or offer to sell, at the going market price, to the State of Montana, any eggs or fry, over and above the amount required to re-stock such lake or pond, to the extent required by this Section.

License for fish pond.

Provided Further, That such owner shall procure a

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license in the manner provided by the laws of the State of Montana, and shall furnish a good and sufficient bond to the State of Montana in the sum of Two Hundred Dollars ($200.00), conditioned to the effect that he will not sell fish caught in any of the public waters of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond, and sold from and planted in, said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

Bond.

Conditions.

Section 15. Open Season for Elk. Any person who between the fifteenth (15th) day of November of any year and the fifteenth (15th) day of October of the following year wilfully shoots, kills, hunts or captures or causes to be shot, killed or captured, any elk, or who, in the open season shall hunt, shoot, kill or capture, or cause to be shot, killed or captured, more than one (1) elk, or who wilfully leaves that portion of an elk suitable for food, after removing the head or teeth thereof, shall be guilty of a felony, and shall be punished accordingly; provided, however, that it shall be unlawful to hunt for, shoot, kill, or capture, or cause to be shot, killed, or captured, any elk within the limits of the Counties and the territories hereinafter described and which are designated hereby as "Preserves for Elk," the same to remain closed until thrown open by authority of law, or order of the State Fish and Game Commission.

Open season for elk.

Felony.

Preserves for elk.

The following named Counties, as a whole:

Jefferson,	Silver Bow,	Carbon,
Deer Lodge,	Broadwater,	Cascade,
Fergus,	Musselshell,	Meagher,
Chouteau,	Hill,	Blaine,
Valley,	Sheridan,	Yellowstone,
Golden Valley,	Judith Basin,	Liberty,
Daniels,	McCone,	Carter,
Roosevelt,	Big Horn,	Custer,
Fallon,	Lincoln,	Prairie,
Wibaux,	Rosebud,	Dawson,
Richland,	Mineral,	Toole,
Granite,	Beaverhead,	Ravalli,
Phillips,	Powder River,	Treasure,
Stillwater,	Garfield,	Wheatland,
Sanders,		

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All of Lewis and Clark, except that portion drained by the south fork of Flathead; that portion of Lewis and Clark County, lying north of the north fork of the Dearborn River, not included within a game preserve, in which closed season shall end November 5th. Also all of Missioula and Powell Counties, except so much of said Counties described as being those portions of said Counties, lying west of the North Fork of the Big Blackfoot River and north of the Main Blackfoot River west of the confluence of the two streams; and also that portion of said Counties drained by the waters of the South Fork of the Flathead River; and also those portions of Missoula County lying east of Belmont Creek from its source, north of the Big Blackfoot River and east of the confluence of said Belmont Creek with the Big Blackfoot River at the west end of Nine Mile Prairie; and also that portion of Missoula County drained by the streams flowing into Swan River; also so much of Gallatin County north of the North Fork of Sixteen Mile Creek.

Open season for deer.

Section 16. Open Season for Deer. Any person who shall, between the first (1st) day of December of any year and the first (1st) day of November of the following year, hunt, shoot, kill, take or capture, or cause to be shot, taken, killed or captured, any deer, or who, in the open season of any calendar year shoots, kills or captures, or causes to be shot, killed, or captured, any female deer, or more than one male deer with visible horns, is guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly; provided, however, that it shall be unlawful for any person to hunt, shoot, kill, take, or capture, or cause to be shot, killed, taken or captured, any deer within the counties of Yellowstone, Rosebud, Custer, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Stillwater, Gallatin, Teton, Phillips, Garfield and Valley, and within all that part of Fergus County lying north of the township line between Townships Eighteen and Nineteen and east of the range line between Ranges Twenty-four and Twenty-five in said County, before October first (1st) Nineteen Hundred and Twenty-four (1924).

Misdemeanor.

Destroying evidence of sex, misdemeanor.

Section 16-A. Destroying Evidence of Sex a Misdemeanor. Any person killing deer permitted to be killed by the preceding sections who shall destroy evidence of the sex of the deer so killed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly.

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Closed season for mountain sheep and goat.

Section 17. Closed Season for Mountain Sheep and Goat. That it shall be unlawful to hunt, shoot, kill, or capture at any place within the State of Montana, any Rocky Mountain sheep or goat before the first (1st) day of October 1926. Any person who violates the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Misdemeanor.

Closed season for game birds.

Section 18. Closed Season for Game Birds. Any person who hunts, shoots, kills, or captures, or causes to be shot, killed, or captured, any quail, Chinese pheasant, Hungarian Pheasant or partridge, wood duck, curlew, swan, loon, or turtle dove, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Misdemeanor.

Open season for grouse.

Section 19. Open Season for Grouse, Etc. Any person who between the fifteenth (15th) day of October of any year, and the first (1st) day of October of the following year, hunts, shoots, kills, or captures, or causes to be shot, killed, or captured, any grouse, prairie chicken, sage hen, sage grouse, fool hen, pheasant, partridge, or who, during the open season in any portion of the State of Montana, shoots, kills, or captures, or causes to be shot, killed, or captured, more than five (5) grouse, or prairie chickens, sage hen, sage grouse, fool hens, or pheasants, or partridges, in any one day, or who, shall have in their possession more than a total of five (5) birds of any kinds at any one time, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Misdemeanor.

Where unlawful to hunt certain birds.

It shall be unlawful for any person to hunt, shoot, kill, or capture, or cause to be shot, killed, or captured, any grouse, prairie chicken, fool hen, pheasant or partridge, within the State of Montana, except in the Counties of Flathead, Missoula, Lincoln, Sanders, before September Fifteenth (15th), Nineteen Hundred and Twenty-three (1923).

Commission to open or close territory.

Section 19-A. Provided that the fish and game commission shall have the power to open or close any county or portion thereof when upon proper showing by residents of said district it shall appear to the fish and game commission that it is to the best interest of fish and game and the people shall be served by opening or closing of such district.

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Open season for waterfowl.

Section 20. Open Season for Waterfowl. Any person who between the first (1st) day of January of any year and the sixteenth (16th) day of September of the same year, hunts, shoots, kills, or captures, or causes to be shot, killed or captured, any wild geese, wild ducks, or brant, or who shall during the open season shoot, kill, or capture, or cause to be shot, killed, or captured, more than twenty (20) wild ducks in any one day, or more than eight (8) wild geese or brant of any variety, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Misdemeanor.

Open season for fur-bearing animals.

Section 21. Open Season for Fur-bearing Animals. Any person who between the first (1st) day of April of any year, and the first (1st) day of November of the same year traps, kills, or captures, or causes to be shot, killed, trapped, or captured, any marten, otter, fox, sable, muskrat, or fisher, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

Misdemeanor.

Furs may be possessed.

Cost of prosecution, how paid county.

Section 22. Costs. In any case where costs have been incurred by a County in a prosecution for the violations of any of the provisions of this Act, or of any other laws of the State of Montana, with reference to fish and game, a cost bill, including the cost of board of a prisoner, shall be prepared and presented to the State Board of Examiners, and if approved by it, the State Treasurer shall thereupon pay the same out of the Fish and Game Fund of the State, to the County Treasurer of the County incurring such costs and expenses.

Penalties.

Section 23. Penalties. Any person found guilty of a violation of any of the terms of this Act, if the same is defined as a misdemeanor, under the terms hereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail of not less than ten (10) days nor more than one hundred eighty (180) days, or by both such fine and imprisonment, and in addition thereto shall forfeit his game and fish or trapping license for a period of not less than one year.

Misdemeanor.

Felony.

Any person found guilty of the commission of a felony, as defined under the terms hereof, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1000.00), or by

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imprisonment in the penitentiary of not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment, and in addition thereto shall forfeit his game and fish or trapping license for a period of not less than one year.

Fee for issuing license.

Section 24. That any person hereby authorized to issue licenses of any kind, except duly appointed Game and Deputy Game Wardens, shall receive as compensation for issuing such licenses a sum of Fifteen Cents ($0.15) for each license so issued. Said compensation to be by such person retained out of each license fee as reported in the manner herein provided for reports of persons authorized to issue licenses.

Repealing clause.

Section 25. That Sections 1 to 7 inclusive, Section 24, Sections 30 to 33, inclusive, Sections 35, 39, and 40 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and repealing Chapter 4 of the Session Laws passed at the Extraordinary Session of the Legislative Assembly of 1918, approved February 20th, 1918, and all acts and parts of acts in conflict herewith are hereby repealed.

Section 26. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 239.

An Act to Provide for the Classification of Lands in the State of Montana for Assessment and Taxation Purposes, and to Authorize the Board of County Commissioners to Cause Such Classification to Be Made, and to Provide for a Tax Levy to Pay for the Cost Thereof, and to Provide for the Payment of Indebtedness Hitherto Incurred by Counties Acting Under the Provisions of Chapter 89 of the Laws of the Sixteenth Session of the Legislative Assembly of the State of Montana, and to Repeal Chapter 89 of the Laws of the Sixteenth Session of the Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Lands to be classified.

Section 1. It is hereby made the duty of the State Board of Equalization to provide for a general and uniform method of classifying lands, for the purposes for which they may be valuable, in the State of Mon-

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tana for the purpose of securing an equitable and uniform basis of assessment of said lands for taxable purposes.

Classification of lands in counties.

Section 2. It is hereby made the duty of the Board of County Commissioners of the several counties of the State of Montana to provide, in such manner as they may determine, for the classification of all lands, except vacant lands in Forest Reserves, Indian Reservations and unsurveyed lands, within their respective counties, which classification must be made and a record thereof kept upon such maps and plats, and entered in such books of record, as may be prescribed by the State Board of Equalization. Such maps and plats and books of record shall be official records of the county. A certified copy of all such records as may be desired shall be furnished to the State Board of Equalization and the State Board of Equalization shall provide for the payment to the several counties the cost of preparing such copy of the records so provided for, as they may require.

Record of.

Certified copy furnished Board of Equalization.

How classified.

Section 3. All lands shall be classified into:

1. Agricultural lands,
2. Irrigated or Non-irrigated lands.
3. Grazing lands.
4. Timber lands and stump lands.
5. Lands bearing stone, coal or valuable deposits.
6. Lands bearing natural gas, petroleum or other mineral deposits.
7. Lands which may be valuable for more than one purpose shall be so classified. All lands shall be classified in accordance with the legal subdivision thereof.

The State Board of Equalization may provide for such other and additional subdivisions of classification herein enumerated as they may deem proper.

"Classification fund," creation of.

Section 4. The Board of County Commissioners shall create and establish a fund to be known as the "Classification Fund." All warrants drawn in payment of work and labor performed, in the payment of service rendered under any contract for the classification of land in any county shall be drawn on the classification fund. The Board of County Commissioners of any county which has heretofore procured the performance of any work or labor or the rendering of any services in the classification of land in the county for taxation or assessment purposes, or incurred any expenses pursuant to the provisions of Chapter 89 of the laws of the Sixteenth Legislative Assembly, and have not compensated the

Warrants, how drawn.

Payment for classification under prior laws.

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person or persons for such work, labor or services, or paid such expenses incurred, are hereby authorized and empowered, and it is hereby made the legal duty of such board, to pay such person or persons for such work, labor or services, and such expenses incurred out of the classification fund of said county.

Prior contracts validated.

Any and all contracts heretofore entered into by the Boards of County Commissioners of the various counties for the classification of lands under Chapter 89 of the laws of the Sixteenth Session of the Legislative Assembly of Montana are hereby declared to be validated and in full force and effect and it is hereby made the duty of the various Boards of County Commissioners where contracts for said classification are partially performed to complete the same according to the terms of said contracts; provided, however, that the said Boards of County Commissioners may make such supplemental contracts as they deem necessary for the purpose of carrying out the terms of this Act.

Supplemental contracts.

Whenever at any time before the completion of any contract for classification under the terms of this Act, or of Chapter 89 of the Laws of the Sixteenth Legislative Assembly of the State of Montana, a new county is formed, containing any portion of the county included in said contract, such new county shall assume the uncompleted portion of said contract, so far as it applies to the territory within said new county, and such portion of said contract shall be an obligation of said new county in the same manner as if said contract had been originally entered into by said county; and whenever, before the completion of any contract as above described, a portion of one county is taken from said county and added to another county, such county to which said territory is added shall assume the uncompleted portion of said contract so far as it applies to the territory transferred and such portion of said contract shall be an obligation of said enlarged county in the same manner as if said contract had been originally entered into by said county to which such territory is transferred.

New county to assume portion of debt.

Section 5. The Board of County Commissioners of each county shall levy annually a tax not to exceed one mill upon all of the properties situate in said county subject to taxation, which shall be levied and collected in the same manner as other taxes.

Tax levy.

All moneys collected in pursuance of the aforesaid levy

Moneys deposited in "Classification fund."

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No levy when warrants paid.

shall be by the County Treasurer deposited to the credit of the "Classification Fund" and shall not be used for any purpose other than as herein provided. Whenever the classification of all lands in any county shall have been completed and all warrants drawn upon the classification fund shall have been paid, the special levy herein provided shall cease and shall not be made by the Board of County Commissioners.

Purpose of classification.

Section 6. The Classification herein provided shall be full, complete and accurate, and shall be used as the basis upon which land values shall be fixed for purpose of assessment and taxation.

Assessments made on classification.

Section 7. It shall be the duty of the County Assessor to assess all lands for taxation purposes in accordance with the classification, as made by the Board of County Commissioners.

Notice to owner of classification.

Section 8. It shall be the duty of the Board of County Commissioners to cause to be mailed by registered mail, return card requested to each owner a notice of the classification of the land owned by him. If the owner of any land is dissatisfied with the classification of his land, the Board of County Commissioners shall make such investigation as they deem necessary to determine the true and correct classification of such land and when so determined, the same shall be classified in the manner ordered by the Board of Commissioners.

Investigation to be made, when.

Repealing Chapter 89, Laws of 1919.

Section 9. That Chapter 89 of the Laws of the Sixteenth Regular Legislative Assembly of the State of Montana and all laws in conflict with the provisions of this act are hereby repealed.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1921.

CHAPTER 240.

An Act Amending Section 807 and 1300 of Chapter 76 of the Session Laws of the Thirteen Legislative Assembly of the State of Montana Relating to the Observing of Legal Holidays in the Schools of This State; Prescribing on Which Holidays School Shall Not Be Held; Prescribing the Rights and Duties of Teachers on Such Holidays; and Repealing All Acts and Parts of Acts in Conflict Therewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 807, Chapter 76, Laws of 1913.

Section 1. That Section 807 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, be and hereby is amended to read as follows:

School month.

"807, School Month. Legal Holiday. In every contract between any teacher and Board of Trustees, a school month shall be construed as twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on a legal holiday, except as hereinafter provided, and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be a legal holiday. Any contract made in violation of this section shall have no force or effect as against the teacher."

Wages on holiday.

Amending Section 1300, Chapter 76, Laws of 1913.

Section 2. That Section 1300 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be and hereby is amended to read as follows:

Legal holidays.

"1300. Legal Holiday. No school shall be in session on the following holidays: New Year's Day, Memorial Day (May 30th), Independence Day (July 4th), Labor Day (First Monday in September), Thanksgiving Day, or Christmas Day, provided, however, that in school districts where the school building must be used for election purposes, State and National Election day shall be deemed a legal holiday under the provisions of this Act. No school shall be dismissed on the following holidays, but appropriate exercises as a part of the day's program, shall be held in each school when school is in session, on each of the said Holidays, and where such holidays fall on Saturday or Sunday such exercises shall be conducted on the Friday preceding such holiday: Lincoln's Birthday (February 12th), Washington's Birthday (February 22nd), Arbor Day (Second Tuesday of May), Flag Day (June 14th), Columbus Day (October 12th), Pioneer Day (November 1st), Armistice Day (November 11th), and such other days as may hereafter be designated as legal holidays by the Legislature or Governor."

Election day holiday, when.

School not to be dismissed when.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1921.

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CHAPTER 241.

An Act Forbidding the Payment of the Traveling and Other Expenses of State, County, City and School District Officers or Employees of the State, or of Any County or City, or of Any School District, When in Attendance upon Any Convention, Meeting or Gathering Other Than Such as They May Be Required by Law to Attend.

Be it enacted by the Legislative Assembly of the State of Montana:

Payment of expenses to school convention forbidden.

Section 1. Hereafter no state, county, city or school district officer or employee of the State, or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting or other gathering of public officers, save and except for attendance upon such conventions, meetings or other gatherings as said officer may by virtue of his office be required by law to attend. Provided, that nothing herein shall prohibit the State Board of Examiners from authorizing the payment of the necessary traveling expenses of any state officer or employee, whenever in the judgment of said Board public interest requires, and provided further that the Board of Trustees of any county high school or of any school district may by resolution adopted by a majority of entire board authorize any employee of such board to attend meetings called for the express purpose of considering educational matters.

State officers, expenses paid when.

Expenses of high school board.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1921.

CHAPTER 242.

An Act to Provide for the Establishment of the Part-Time Schools and Classes and to Compel Attendance of Minors Less Than Eighteen Years of Age Upon Such Schools and Classes and to Provide Punishment for the Violation Thereof, and to Repeal Chapter 133 of the Session Laws of the Sixteenth Legislative Assembly.

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Be it enacted by the Legislative Assembly of the State of Montana:

Part time school for employed children.

Section 1. Any school district, or any district of the first class in which a county high school is located, in which said district there shall reside or be employed, or both, not fewer than fifteen children over fourteen years of age and less than eighteen years of age, who have entered upon employment, shall establish part-time schools or classes for such employed children.

Character of school work.

Section 2. A part-time school or class established in accordance with the terms of this Act shall provide an education for children who have entered employment, which shall be either supplemental to the work in which they are engaged, continue their general education or promote their civic or vocational intelligence.

What children must attend school.

Section 3. All children of first class districts of the state shall attend school until the age of eighteen, unless they are excused from school to enter employment, in accordance with Sections 1100, 1101 and 1102 of Chapter 11 of the School Laws of Montana, or unless they shall have completed a high school course.

Petition to be excused from organizing.

Section 4. Whenever any district or county high school board shall deem it inexpedient to organize part-time schools or classes for employed minors, it shall state the reasons for such inexpediency in a petition to the State Board of Education, and when the State Board of Education shall judge such reasons as valid, the district or county high school board shall be excused from the establishment of such part-time schools or classes.

Sessions, length of.

Section 5. Part-time schools or classes established in accordance with the provisions of this act shall be in session not less than four (4) hours a week between the hours of eight A. M. and six P. M. during the weeks which other public schools are maintained in the district or county establishing such part-time schools or classes.

Rules of State Board.

Section 6. The State Board of Education shall establish rules and regulations governing the organization and administration of part-time schools and classes, and shall expend from funds apppropriated for the promotion of vocational education such sums of money as are necessary for the proper enforcement of this Act.

Funds for enforcement of Act.

When federal or state law fixes hours of employment.

Section 7. Whenever the number of hours for which a child over fourteen years and less than eighteen years of age may be employed shall be fixed by the Federal or State law, the hours of attendance upon the part-time school or class organized in accordance with the terms

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of this Act shall be counted as a part of the number of hours fixed for legal employment by Federal or State laws.

Parents to send children to part-time school.

Section 8. Every parent, guardian or other person in the first class school district in the State of Montana having control of any child or children between and including the ages of fifteen and seventeen, who have entered upon employment, shall be required to send such child or children to a part-time school or class whenever there shall have been such part-time school or class established in the district where the child resides or may be employed.

Misdemeanor.

Penalty.

Section 9. In case any parent, guardian or other person in first class school districts in the State of Montana having control or charge of any child or children between and including the ages of fifteen and seventeen shall fail to comply with the provisions of this Act he shall be deemed guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than five dollars nor more than twenty dollars for each separate offense.

Employer to comply with Act.

Section 10. Any person, firm or corporation employing a child between the ages of fourteen and eighteen shall permit the attendance of such child upon a part-time school or class whenever such part-time school or class shall have been established in the first class district where the child resides or may be employed, and any person, firm or corporation employing any child over fourteen and less than eighteen years of age contrary to the provisions of this Act shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each and every offense.

Penalty.

What officers to law.

Section 11. The officers charged by law with the responsibility for enforcement of attendance upon regular public schools of children over eight years of age shall also be charged with the responsibility for the enforcement of attendance upon part-time schools or classes of minors over fourteen years and less than eighteen years of age, in accordance with terms of this Act.

Reimbursement for expenses from vocational fund.

Section 12. Whenever any part-time schools or classes shall have been established in accordance with the provisions of this Act, and the rules and regulations established by the State Board of Education, and shall have been approved by the State Board of Education, the first class district or county high school shall be entitled to reimbursement for the expenditures made for the salaries

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of teachers and co-ordinators of such part-time schools or classes of fifty per cent of the moneys so expended, such reimbursement to be made from Federal and State funds available for the promotion of vocational education.

Attendance at private school.

Section 13. Attendance upon private schools of an established reputation in the district in which said part-time school is held for a period of at least four hours per week shall be accepted in lieu of attendance at a district part-time school, provided, however that only those schools shall be deemed schools of an established reputation, which have been accredited by the State Department of Public Instruction.

Section 14. Any school district of the first class in which there shall reside or be employed, or both, not fewer than fifteen (15) children over fourteen (14) years of age and less than eighteen (18) years of age, who have entered upon employment shall establish and maintain part-time schools or classes for such employed children. When a county high school is located in a district of the first class, and functions in place of a district high school, such county high school shall establish part-time schools or classes and share equally in maintenance for such classes with the district in which such high school is located.

High school to establish part time school when.

Section 15. Every school district of the first or second class, or county high school maintaining a high school in a school district of the first and second classes, shall take each year a continuing part-time school census of all boys and girls between the ages of fourteen (14) and eighteen (18) years and render a report of the same to the State Superintendent of Public Instruction, on or before February first of each year. Such report shall show the total number of school census children and the distributions of school census children as follows: Number attending school, number at work, number idle, number graduated from high school.

Census to be taken.

Report of.

Section 16. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 17. This Act shall be in full force and effect on and after the 1st day of June, 1921, and shall refer only to the establishment of part-time schools or classes for minors under eighteen years of age who are issued permits to enter upon employment after that date.

Approved March 8, 1921.

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CHAPTER 243.

An Act to Amend Chapter 143 of the Acts of the Fourteenth Legislative Assembly of the State of Montana, Being an Act Entitled: "An Act Authorizing the Creation of Special Improvement Districts for Lighting Streets in Cities and Towns and to Assess Not Less than One Fourth (1/4) and Not More than Three Fourths (3/4) of the Cost Thereof Against the Property Abutting Thereon and the Remainder of Such Cost Against the City or Town at Large," by Adding One (1) New Section Thereto to Be Known as Section 3(a).

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Chapter 143, Laws of 1915.

Section 1. That Chapter 143 of the Acts of the Fourteenth Legislative Assembly of the State of Montana, be and the same is hereby amended by adding a new section thereto to be known as Section 3(a) to read as follows:

Section 3(a). At any time within sixty (60) days from the date of the award of any contract by a city or town council under the provisions of this Act, or at any time within sixty (60) days from the date, the city or town council requires or instructs the street commissioner, or any other official of the city or town, to cause the posts, wires, pipes, conduits, lamps, or other suitable and necessary appliances for the pupose of lighting said streets of said city or towns, to be procured and erected, any owner or other person having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings relating to said improvements are irregular, defective, erroneous or faulty, or that his property will be damaged by the making of any improvements in the manner contemplated, may file with the city clerk, who shall deliver the same to the city or town council, a written notice specifying in what respect said acts or proceedings are irregular, defective, erroneous, or faulty, or in what manner and to what extent his property will be damaged by the making of said improvements. All objections to any act or proceeding, or in relation to the making of said improvements not made in writing and in the manner at the time aforesaid, and all claims for damage therefor, shall be waived by such property owners; provided, the notice of the passage of the resolution of intention has been actually published, and the notices of improvements posted as provided in this Act."

Equipment for street lighting, damage by.

Objection to and claim for damages.

Notice to be filed.

When objections and claims waived.

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Section 2. This Act shall be in force from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 244.

An Act Providing for the Filing of Sworn Statements by Any Person, Firm, Association, or Corporation Abandoning or Ceasing to Operate Any Well or Wells in the State of Montana, Drilled, Bored, Operated, or Possessed for the Purpose of Exploring for or Producing Oil or Gas, Setting Out the Location of Such Well or Wells and the Manner in Which Plugged; and Providing for the Punishment for Violation of the Provisions of This Act and the Execution of False Affidavits Hereunder.

Be it enacted by the Legislative Assembly of the State of Montana:

Sworn statement of plugged well to be filed.

Section 1. Whenever any person, firm, association, or corporation have abandoned or ceased operating any well or wells in the State of Montana, drilled, bored, operated or possessed for the purpose of exploring for or producing oil or gas, said person, firm, association or corporation shall within ten (10) days after such abandonment or cessation of operations, file with the county clerk of the county in which such well or wells are located, a sworn statement setting out the location of such well or wells and the manner in which such well or wells have been plugged. Said statement shall be subscribed and sworn to by not less than two persons who shall have performed or assisted in performing the actual work of plugging said well or wells.

Misdemeanor.

Section 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished accordingly, and any person who wilfully executes a false affidavit under the provisions of this Act shall be guilty of perjury, and shall be punished accordingly.

Perjury.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 245.

An Act to Authorize and Direct the State Board of Examiners to Execute a Deed to the Selway-Gardiner Sheep Company, a Corporation, Conveying to Said Corpora-

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tion the South-half of the South-half of Section Thirty-six (36), Township Six (6), North, Range Ten (10) West, Montana Meridian, Legal Title to Which Ground Is Now in the Montana State Tuberculosis Sanitarium, Said Deed to Be Executed and Delivered in Accordance with an Agreement Heretofore Entered into Between the State Board of Examiners and the Selway-Gardiner Sheep Company.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Examiners to execute deed to certain lands.

Section 1. The State Board of Examiners is hereby authorized and directed to execute and deliver a good and sufficient deed to the Selway-Gardiner Sheep Company, a corporation, conveying to said corporation the South-half of the South-half of Section Thirty-six (36), Township Six (6) North, Range Ten (10) West, Montana Meridian, in accordance with that certain agreement made and entered into between the State Board of Examiners and the Selway-Gardiner Sheep Company on the 3rd day of August, 1917, and the supplemental agreement in connection therewith, made and entered into December 30th, 1920, when the said Selway-Gardiner Sheep Company shall cause to be issued to the Montana State Tuberculosis Sanitarium a good and sufficient deed for an undivided one-third (1/3) interest in and to the water rights and the right to the use of the water for the lands of the Montana State Tuberculosis Sanitarium, as provided in said agreements.

Form of deed.

Section 2. The said deed shall run in the name of the Montana State Tuberculosis Sanitarium, party of the first part, and shall be executed substantially as follows:

"Montana State Tuberculosis Sanitarium,

By.....,

.....,

.....,

State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 246.

An Act to Amend Section 2 of Chapter 99 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana and Sections 616, 619 and 625 of the Re-

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vised Codes of Montana, 1907, Relating to Elections and Voting Where Voting Machines Are Used.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 99 of Session Laws of the Eleventh Legislative Assembly be and the same is hereby amended to read as follows:

Amending Section 2, Chapter 99, Laws.

"Section 615. Not more than ten (10) or less than three (3) days before each election at which voting machines are to be used, the board, or officials, charged with the duty of providing ballots, shall publish in newspapers representing at least two (2) political parties, a diagram of reduced size showing the fact of the voting machine, after the official ballot labels are arranged thereon, together with illustrated instructions how to vote, and a statement of the locations of such voting machines as shall be on public exhibition; a voting machine shall at all time be on exhibition for public demonstration in the office of the county clerk and recorder in the counties where said voting machines are used, and it shall be the duty of the said county clerk and recorder to demonstrate and explain the working and operation of said voting machine to any inquiring voter; or in lieu of such publication, said board or officials may send by mail or otherwise at least three (3) days before the election, a printed copy of said reduced diagram to each registered voter. Not later than forty (40) days before each election at which voting machines are to be used, the Secretary of State shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or officials having charge of election in each county, city, or village in which the machines are to be used, such samples to meet the requirements of the election to be held, and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots, shall provide for each voting machine for each election the following printed matter and supplies; suitable printed or written directions to the custodian for testing and preparing the voting machines for the election; one certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian preparing the machine, can certify that the voting machine has been examined and

Diagram of voting machines to be published.

Exhibition of.

Duty of county clerk to explain.

Diagram to voters, when.

Samples of printed matter.

Directions.

Certificates.

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found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machine can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing the voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the judge of election; one envelope in which keys to the voting machine can be returned by the election officers after the election; one card stating the name and telephone address of the custodian on the day of the election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine, together with other necessary information relating to the election, said statements of canvass to take the place of all tally papers, statements, and returns as provided heretofore; three (3) complete sets of ballot labels; two diagrams of the face of the machine with the ballot labels thereon, each diagram to have printed above it the proper instructions to voters for voting on the machine; six (6) suitable printed instructions to judges of election; six (6) notices to judges of election to attend the instruction meeting; six (6) certificates that the judges of election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine.

Ballot labels.

The ballot labels shall be printed in black ink on clear white material of such size and arrangement as shall suit the construction of the machine; provided, however, that the ballot labels for the questions may contain a condensed statement of each question to be voted on, followed by the words "Yes" and "No"; and provided further, that the titles of the officers thereon shall be printed

Title of officers.

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in type as large as the space for each office will reasonably permit, and wherever more than one candidate will be voted for for an office, there shall be printed below the office title thereof the words "vote for any two", or such number as the voter is lawfully entitled to vote for for such office. When any person is nominated for an office by more than one political party, his name shall be placed upon the ticket under the designation of the party which first nominated him; or, if nominated by more than one party at the same time, he shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written statement indicating the party designation under which he desires his name to appear upon the ballot, and it shall be so printed. If he shall refuse or neglect to so file such a statement, the officer with whom the certificate of nomination is required to be filed shall place his name under the designation of either of the parties nominating him, but under no other designation whatsoever. If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine twenty-five (25) ballots for each political party, each ballot containing the names of the candidates for the office of presidential electors of such party and a suitable space for writing in names, so that the voter can vote thereon for part of the candidates for the office of presidential electors of one party and part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election precincts in which voting machines are to be used, no books or blanks for making poll lists shall be provided, but in lieu thereof, the registry lists shall contain a column in which can be entered the number of each voter's ballot as indicated by the number registered on the public counter as he emerges from the voting machine".

Nomination, on two tickets.

Presidential electors.

No books for poll lists.

Section 2. That Section 616 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Amending Section 616, Revised Codes.

"Section 616. City and County Clerks to Set Up Machines For Use. The city or county clerk of each city or county in which a voting machine is to be used shall cause the proper ballots to be put upon each machine corresponding with the sample ballots herein provided for, and

City and county clerks to prepare machines.

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the machines in every way put in order, set and adjusted ready for use in voting when delivered at the precinct, and for the purpose of so labeling the machines, putting in order, setting and adjusting the same, they may employ one or more competent persons, and they shall cause the machine so labeled, in order and set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same in the room where the election is to be held in the precinct, in time for the opening of the polls on election day; providing, however, that a shield of tin painted black made to conform with the shape of the keys or levers on said voting machine, shall be placed over the keys or levers not in use on the face of the ballot of the voting machine; said shields to be plainly marked with the words "not in use"; and provided, that a space of at least one row of keys or levers be left vacant and marked "not in use" between the rows assigned to the two parties obtaining the largest number of votes cast at the previous general election; and provided, also that the general ballot used on the voting machine shall conform in the location of the various parties and the location of the various names of the candidates, with the paper ballots used in the precincts where voting machines are not in use. Thus the party assigned to the first vertical column on the paper ballot be given the first vertical column or the top horizontal row on the voting machine; the party assigned to the second vertical column on the paper ballot be given the second vertical column, or the second horizontal row to be voted on the voting machine. The judges shall compare the ballots on the machine with the sample ballot, see that they are correct, examine and see that all the counters, if any, in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the machine to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine, if such machine be so designed."

Keys not in use, plates over.

Arrangement of ballots of parties.

Amending Section 619, Revised Codes.

Section 3. That Section 619 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Examination by public after vote.

"Section 619. Election Return. The judges as soon as the count is completed and fully ascertained, shall place the machine for one hour in such a position that the

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registering or recording compartments will be in full view of the public and any person desiring to view the number of votes cast for each person voted for at the election, must be permitted to do so. Immediately after the above said one hour shall have expired, the judges shall seal, close, lock the machine or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least thirty (30) days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the judges shall return them in a properly sealed package endorsed "irregular ballots", and indicating the precinct and county and file such package with the city or county clerk. It shall be preserved for six (6) months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such six (6) months, unless ordered otherwise by the court, such package and its contents shall be destroyed by the city or county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner. The officers heretofore charged with the duty of furnishing tally sheets and returns blanks shall furnish suitable returns blanks and certificates to the officers of election. Such return sheets shall have each candidate's name designated by the same reference character that said candidate's name bears on the ballot labels and counters, and shall make provision for writing in of the vote for such candidate in figures and shall also provide for the writing in of the vote in words. Such return sheet shall also provide for the return of the vote on questions. It shall also have a blank thereon, on which can be marked the precinct, ward, etc., of which said return sheet bears the returns and the number and make of the machine used. Said return sheet shall also have a certificate thereon, to be executed before the polls open by the judges of election, stating that all counters except the protective counter, if any, and except as otherwise noted thereon, stood at "000" at the beginning of the election, and that all of said counters had been carefully examined before the beginning of the election; that the ballot labels were correctly placed on the machine and correspond to the sample ballot, and such other statements as the particular machine may require; and shall provide for the signature of the election officers. Said

Machine to be locked.

Irregular ballots

Tally sheets.

Return sheets.

Certificate of counties.

Certificate of closing polls.

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return sheet shall also have thereon a second certificate stating the manner of closing the polls, the manner of verifying the returns, that the foregoing returns are correct, giving the indication of the public counter, and poll list, and protective counter, if any, at the close of the election. Such certificate shall properly specify the procedure of canvassing the vote and locking the machine, etc., for the particular type of machine used, and such certificate shall be such that the election officers can properly subscribe to it as having been followed and shall have provisions for the signature of the election officers. The election officers shall conform their procedure to that specified in the certificate to which they must certify. The certificate and attest of the election officers shall appear on each return sheet".

Amending Section 625, Revised Codes.

Section 4. That Section 625 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Experimental machines, use of.

"Section 625. Experimental Use of Machines, Defective Machines. The proper officers authorized by this Act to adopt voting machines, may provide for the experimental use of an election in one or more precincts, of a machine approved by the Montana Voting Machine Commission without a formal adoption or purchase thereof and its use at such election shall be as valid for all purposes as if formally adopted. If from any cause a machine becomes unworkable, or unfit for use, voting shall proceed as in cases where machines are not used, and the county clerk must furnish each voting place with the supply of ballots and other supplies required by the election laws to be used in the case of emergency herein provided for, and in such case only."

When machine becomes unworkable.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after the 1st day of June, 1921.

Approved March 11, 1921.

CHAPTER 247.

An Act to Repeal Section 503 of Chapter 76 of the Laws of the Thirteenth Regular Session of the State of Montana, Prescribing the Bond to be Furnished by, and the Compensation to be Received by School Trustees.

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Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Section 503, Chapter 76, Laws of 1913.

Section 1. That Section 503 of Chapter 76 of the Laws of the Thirteenth Regular Session of the State of Montana, prescribing the bond to be furnished and the compensation to be received by School Trustees, be and the same is hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 248.

An Act to Amend Section 1 of Chapter 51 of the Laws of the Sixteenth Legislative Assembly of the State of Montana Providing for the Classification of Taxable Property in This State for the Purpose of Taxation, and Providing the Percentage of the True and Full Value of Each Class Which Shall Be Taken and Used as the Basis for the Imposition of the Tax Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1, Chapter 51, Laws of 1919.

Section 1. Section 1 of Chapter 51 of the Laws of the Sixteenth Legislative Assembly is hereby amended to read as follows:

Taxable property classified.

"Section 1. For the purpose of taxation the taxable property in this state shall be classified as follows:

Class 1: Net proceeds of mines.

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by Section 2565 of the Revised Codes of Montana; also where the right to enter upon land to explore or prospect or dig for oil, gas, coal or mineral is reserved in land by any person or corporation, the surface title to which has passed to another, the Assessor and the State and County Boards of Equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, coal, oil or minerals, and the same shall be placed in this classification for the purpose of taxation.

Class 2: household goods.

Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equip-

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ment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Class 3: Live stock.

Class Three. Live stock, poultry and all agricultural products; stocks of merchandise of all sorts; together with furniture and fixtures used therewith.

Class 4: Lands.

Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana.

Class 5: Moneys.

Class Five. All moneys and credits, secured or unsecured including all state, county, school district and other municipal bonds, warrants and securities without any deduction or offset; provided, however, that the terms, moneys and credits as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this State.

Class 6: Bonds, stocks.

Class Six. The shares of stock of national banking associations and the moneyed capital employed in conducting a banking business by any other banking corporation, association or individual in this state. Such moneyed capital to be ascertained by deducting from the moneys and credits of such banking corporation, association or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any national banking association, to be ascertained by deducting the value of all real estate of such association.

Class 7: All other property.

Class Seven. All property not included in the six preceding classes."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 249.

An Act to Provide for the Support of the Government of the State of Montana for the Years 1921 and 1922.

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Be it enacted by the Legislative Assembly of the State of Montana:

1921 State levy —3½ mills.

Section 1. There is hereby levied for state purposes upon all of the property in the state subject to taxation for the year 1921 an advalorem tax of three and one-half (3 1/2) mills on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation.

1922 State levy —3½ mills.

Section 2. There is hereby levied for state purposes upon all of the property in the state subject to taxation for the year 1922 an advalorem tax of three and one-half (3 1/2) mills on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation.

Levy for Council of Defense for 1921.

Section 3. There is hereby levied upon all property in the state subject to taxation for the year 1921, an advalorem tax of four-tenths (4/10ths) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 21 Acts of the Extraordinary Session of the Fifteenth Legislative Assembly.

Levy for Council of Defense for 1922.

Section 4. There is hereby levied upon all property in the state subject to taxation for the year 1922, an advalorem tax of three-tenths (3/10ths) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 21, Acts of the Extraordinary Session of the Fifteenth Legislative Assembly.

Levy for Soldiers Welfare Board for 1921.

Section 5. There is hereby levied upon all property in the State subject to taxation for the year 1921 one-fifteenth (1/15th) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued

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by the State of Montana pursuant to the provisions of Chapter 105, Acts of the Sixteenth Legislative Assembly.

Levy for Soldiers Welfare Bonds for 1922.

Section 6. There is hereby levied upon all property in the state subject to taxation for the year 1922, three-fortieths (3/40ths) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 105, Acts of the Sixteenth Legislative Assembly.

Levy for educational institutions for 1921.

Section 7. There is hereby levied upon all property in the state subject to taxation for the year 1921, two-fifths (2/5ths) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of the law initiated and approved by the people of the State of Montana at the general election held in November, 1920, and entitled: "A Bill to enact by the initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00) in excess of the Constitutional limitations of indebtedness and over and above any bonded indebtedness heretofore increased or created and for which the State of Montana is now obligated, for the construction repair and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal School at Dillon comprised in the University of Montana, and the State Orphan's Home at Twin Bridges, the Montana School for the deaf and blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and interest accruing thereon.

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Levy for educational institutions for 1922.

Section 8. There is hereby levied upon all property in the state subject to taxation, for the year 1922, seven-tenths (7/10ths) of one mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of the law initiated and approved by the people of the State of Montana at the general election held in November, 1920, and entitled: "A Bill to enact by the initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore increased or created and for which the State of Montana is now obligated, for the construction, repair and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal School at Dillon comprised in the University of Montana, and the State Orphan's Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and interest accruing thereon."

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 250.

An Act to Amend Section 4349 of the Revised Codes of Montana, 1907, Relating to the Rate Per Mile for the Transportation of Passengers on Railroads Operating in the State of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4349, Revised Codes.

Section 1. That Section 4349 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

3 cent passenger fare.

"Section 4349. Passenger Rate of Three Cents Per Mile. It shall be unlawful for any railroad or railway company operating wholly or in part in the State of Montana, any of the officers or employees thereof, to charge or receive from any person who is to be conveyed or transported on any of the lines of any such railroad or railway companies from any point within this state to another point within this state, a sum exceeding three cents (3c) per mile for the distance to be traveled by such person, nor shall any excess fare greater in amount than ten cents (10c) be charged or collected from any passenger with promise of rebate or refund of such excess, and that for children between the ages of five (5) and twelve (12) years, not more than one-half of the rate named in Section 1 shall be charged, and that children under five (5) years of age, when accompanied by parent or guardian, shall be transported free of charge; provided, that no railroad or railway company, or the officers or employees thereof, shall be obliged to accept a single fare for a sum less than five cents (5c); provided, that any such railroad or railway company shall not be precluded from selling mileage books at a rate less than three cents (3c) per mile. All persons shall have equal right to purchase such mileage books. That all charges for fares shall end in the figures naught (0) or five (5) and such figure shall be the one nearest to the fare computed under the provisions of this Act.

Excess fare.

Fare for children.

Minimum fare.

Mileage books.

Cash fares permitted.

It shall be unlawful for any railroad or railway company operating wholly, or in part, in the State of Montana, as aforesaid, to charge, demand or collect or receive from any person who is to be conveyed or transported on any of the lines of any such railroad or railway company or companies, between points within the state, any sum or amount in excess of, or in addition to, the rates hereinbefore fixed and prescribed for and on account of such person or passenger paying or offering to pay in cash on board of trains of such company or companies, the sums or amounts necessary to be transported in accordance with the provisions of this section, it being intended hereby to prohibit and prevent the practice of exacting any additional sum or sums for transportation on account

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of the payment of the lawful rates in cash on board train, and the practice of issuing rebate slips, certificates or tickets for such excess sums or amounts.

Any railroad or railway company, or any officer or employee thereof, who shall violate any of the provisions of this section, shall upon conviction thereof, be fined as provided in Section 4351, Revised Codes of Montana, 1907." Penalty.

Section 2. All acts, or parts of acts, in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 251.

An Act Amending Section 14 of Chapter 122 of the Twelfth Legislative Assembly of the State of Montana, as Amended by Chapter 52 of the Fourteenth Legislative Assembly of the State of Montana, as Amended by Chapter 202 of the Sixteenth Legislative Assembly of the State of Montana, and Sections 22 and 26 of Chapter 122 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Relating to Juvenile Delinquents and to Court Procedure.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 14 of Chapter 122 of the Twelfth Legislative Assembly of the State of Montana, as amended by Chapter 52 of the Fourteenth Legislative Assembly of the State of Montana, as amended by Chapter 202 of the Sixteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows: Amending Section 14, Chapter 122, Laws of 1911, as amended by Chapter 202, Laws of 1919.

"Section 14. In every judicial district of the State of Montana, the judge or judges thereof may appoint one discreet person of good moral character, who shall be known as the Chief Probation Officer of such district, and who shall hold his office during the pleasure of the court, and who shall receive for his or her services such sum as shall be specified by the court upon appointment, not exceeding the sum of Twenty-four Hundred ($2400.00) Dollars per annum, to be paid, however, upon a per diem basis for the time actually and necessarily employed in performing the duties of the office; provided, that all Chief probation officer, appointment of. Salary.

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appointments of probation officers paid out of the contingent fund of the county as herein provided, shall be made on the basis of merit only, determined by a public competitive examination, held by three examiners, who shall be appointed by the court. The examiners shall conduct the examination of all applicants and shall certify to the court, for appointment to each position, the names of the three highest (unless the number of applicants is less than three) from which the appointment shall be made, as provided in this Act." Said probation officer shall also be reimbursed for the actual and reasonable traveling and other expenses incurred by him in pursuance of his official duties. Such reimbursement shall be made once each month by the county or several counties constituting the judicial district for which such probation officer shall have been appointed. Each probation officer shall not later than the tenth (10th) day of every calendar month, and before the allowance and payment thereof, file or cause to be filed with the proper board of county commissioners of the county chargeable therewith, an itemized sworn statement and account of such expenses, including his claim for salary for the preceding month with the approval of the district judge or judges endorsed thereon. Each county of this state shall reimburse such probation officer only in respect to such expenses as have been incurred in connection with juvenile persons residing in that county. When a judicial district consists of one county, the salary of the probation officer is to be paid by that county, and when a judicial district is composed of more than one county, the salary of such officer shall be apportioned among and paid by each of said counties in proportion to the assessed valuation of such counties for the year then current.

Expenses.

Sworn statement of.

Salary and expenses, how paid.

Probation officers, appointment.

That in every judicial district of the State of Montana the judge or judges thereof having jurisdiction, if in their opinion the circumstances require, may appoint other persons, but not to exceed two (2), to serve as probation officers, who shall receive not to exceed One Hundred Twenty-Five ($125.00) Dollars per month, and to serve at the will of the court, and be paid by the county treasurer, as above set forth, and provided that said judge or judges of the district court may appoint as probation officers such other discreet persons of good moral character as are willing to serve without compensation. It shall be the duty of the clerk of the district court, immediately upon the appointment of a probation officer, to

Salary.

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notify the courts and magistrates of any county in which the said officer is appointed, giving them the names and post office addresses of such officers. The duties of said probation officer or officers shall be such as hereinafter prescribed.

Upon complaint notice to officer.

Whenever a complaint is made or pending against a boy or girl under eighteen (18) years of age for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any court or magistrate, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the probation office of his county. Such probation officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits and school record, and everything that will throw light on its life and character, and may also inquire into the home condition, habits and character of the parents or guardians, and shall make a full report thereon in writing to the judge of the district court having charge of such cases, before said cause is tried. If, upon consultation with the probation officer and the examination of such report, it shall appear to the judge of said court that the child is not guilty, of the offense charged against it, or that the interest of the child shall be best subserved thereby, the court shall order that such child be not brought into court, and said cause shall be dismissed. Said chief probation officer shall attend all hearings under this Act and represent the interests of the child and shall take charge of any child before or after trial, as the judge may direct. Probations officers shall serve warrants and other process of the court, within or without the county, and in that respect they are hereby clothed with the powers and authority of sheriffs; they can make arrests without warrant upon view of the violation of any of the provisions of this Act, and detain the person so arrested pending the issuance of a warrant; and perform such other duties incident to their offices as the judge may direct; and all sheriffs, deputy sheriffs, constables, marshals and police officers are required to render assistance to probation officers in the performance of their duties when requested to do so.

Investigation.

Duties of judge when child innocent.

Duties of probation officers.

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Duties of judge when child guilty.

If upon the trial of any child the court shall find that such child is guilty of the offense charged, he may withhold judgment for a definite or indefinite period if it appear that the public and the interest of the child will be best subserved thereby, and may order that such child be returned to the care of his or her parents, guardian or friends; or he may commit such child to the care of a volunteer probation officer who shall exercise supervision over it until such time as it is discharged by the court from supervision upon the recommendation of such voluntary probation officer, and if the parents, parent, guardian or custodian consent thereto, or if the court shall further find either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the best interest of such child and for the people of this state that such child be taken from the custody of its parents,

When to be placed in family.

custodians or guardian, the court may order such child to be placed in the family of some suitable person where such family home shall be recommended by the probation officer of the court after consultation with those representing the interests of the child, there to remain until he or she shall have attained the age of twenty-one years

When to be placed in institution.

or for any less time, or the court may order such child to be placed in the home where the county's dependent children are kept; or, if it appears to be for the best interest of the child, and such child appears to be in need of institutional training, the court may order him or her to be committed to some state institution, or some institution of learning managed by a corporation or individual, and devoted to the care of such children, for a definite or indefinite period; said institution to be situated in the state of Montana, and to be inspected at least once a year

Expense of care for child.

and approved by the Bureau of Child and Animal Protection, and to receive for its services a per diem of thirty-five (35c) for each day that such child shall be in the custody, such per diem to be paid by the county sending the child, upon itemized vouchers duly certified to by the court; or the court may impose a fine with costs, or the court may for good cause shown suspend judgment in any case for a definite or indefinite period; or, if the offense be a malicious trespass, the court may require the damage to be made good, or if the offense be petty larceny and the stolen property is not recovered, the court may require it to be paid by the delinquent child himself if it be

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shown that he or she is capable of earning the money or has money of his or her own, or its parents or guardian, at the discretion of the court; and in all the foregoing cases, where the parents or guardian are unfit to have the custody of said child, or unable to control said child, the court may deem the child to be the ward of the court, as far as its person is concerned; and in all cases where any child has been decreed to be the ward of the court, the authority of the court over its person shall continue until the court shall otherwise decree, and the court may adopt all rules and regulations that may be needed to carry out the provisions of this Act. In every case in which the court shall commit any child to the care and custody of any other institution as above provided, other than a state institution and such child shall have a parent or guardian within the county, the court may make and enter an order requiring such parent or guardian to appear before said court upon a day and hour to be named by the court therein, and show cause, if any she or he have, why she or he should not pay for the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the chief probation officer of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order, the court shall, upon the day fixed or upon such subsequent day as may be fixed by the court, hear evidence as to the financial ability of such parent or guardian, and in case the court shall find that such parent or guardian should pay for or contribute to the support and maintenance of such child, the court shall render judgment against such parent or guardian that that parent or guardian shall pay to the chief probation officer such sums as the court shall adjudge and at such times and in such amounts as shall be by the court found just. And such judgment shall be enforced as other judgments are enforced, and all moneys collected on such judgments shall be held by the chief probation officer and shall be remitted quarterly by him to the institution keeping such child or children and the amount so remitted shall be deducted from the quarterly bill of such institution.

Order to show cause to pay expenses.

Hearing.

Judgment.

Provided, that the chief probation officer shall make a verified report to the court at the close of each quarter of the amount of money so collected on such judgments, which report the judge shall be caused to be filed with the

Report of chief probation officer.

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county commissioners with the bill rendered by the institution keeping such child. If any child is wayward and unmanageable, the court may commit him or her to the Industrial School, or to any other state penal or reformatory institution authorized by law to receive such boy or girl subject to such conditions as are already provided by law for the reception of such children in said schools or institutions. And in cases where a child shall be committed to a state or other institution as above provided, the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by the court to be conveyed under his direction to the designated institution; Provided that a woman shall always be sent with the girls so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more, where he or she is a paid officer of such court, appointed by the court, and in all other cases the person taking such child to any institution shall be allowed and paid for his or her services, the same fees and expenses as are paid to sheriffs in like cases.

Hospital care for child, when.

And provided, that the court may when the health or condition of the child require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of thirty-five cents a day.

Child not to come in contact with adults.

Provided, that when a child contemplated by this Act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in any room, yard, or enclosure with such adult convicts or to allow them in any manner to come in contact with them, or in any way comingle with such adult convicts, or to bring such child into any yard or room in which adult convicts may be present; and

Immediate hearing when.

Provided, that if any such boy or girl against whom a petition is filed is unable to give bond, and the court does not release him or her on his or her own recognizance, then such boy or girl shall be entitled to an immediate hearing and trial, according to law.

Child subject to rules of institution.

Providing that the commitment of any child to an institution or association or society shall be subject to the rules and laws that may be in force from time to time governing such institution, association or society.

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Return of child to home, when.

Provided that when it shall be made to appear to the court that the home of the child or its parents, former guardian or custodian, is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the court may enter an order to that effect, returning such child to his home under probation parole or otherwise; it being the intention of this Act that no child should be taken away or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of the child and the interest of all this State; provided, however, that no such order shall be entered without giving ten days' notice to the person, institution or association to whose care such child has been committed, unless such guardian, institution or association to whose care such child has been committed, consents to such order.

Order, when to be made.

Report of custodian of child.

And provided, the court may from time to time cite into court the person, institution, association or society, to whose care any delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution or association, within ten days after such citation, to make such report, either in writing, verified by affidavit, or verbally under oath, in open court or otherwise, as the court shall direct; and upon the hearing of such report with or without further evidence, the court may, if it sees fit, take such child from said person, institution, association or society, and place it with another, or restore such child to the custody of its parents or former guardian or custodian."

Amending Section 22, Chapter 122, Laws of 1911.

Section 2. Amend Section 22 of Chapter 122 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana to read as follows:

Appropriation for Act.

"Section 22. The county commissioners of all counties to which this Act applies are hereby authorized, empowered, and required to provide the necessary funds and to make all needful appropriations to carry out the provisions of this Act; and in counties with a population of over thirty thousand (30,000) inhabitants, the county commissioners shall provide and in other counties may provide, by purchase, lease or otherwise, a place to be known as a detention home, within convenient distance

Detention home.

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of the court house, not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent, or neglected children may be detained, until final disposition, which place shall be maintained by the county as in other like cases. And in counties having a population in excess of thirty thousand (30,000) the judge having jurisdiction may appoint a Superintendent and matron subject to ratification of the Juvenile Improvement Committee, who shall have charge of such home and of the delinquent dependent and neglected minors detained therein.

Superintendent and matron.

Qualifications.

Such superintendent and matron shall be suitable and discreet persons, qualified as teachers of children. Such home shall be furnished in a comfortable manner, as nearly as may be as a family home. The compensation of such superintendent and matron shall be fixed by the County Commissioners, such compensation and the maintaining of such home shall be paid out of the county treasury, upon a warrant of the county auditor, which shall be issued upon the itemized vouchers sworn to by the superintendent and certified by the judge.

Salary.

Paid how.

Detention Home by county, funds for.

When such detention home is provided for by the county commissioners, the said commissioners shall enter an order on their journal, transferring to the proper fund, from any other fund or funds of the county, in their discretion, such sums as may be necessary to purchase or lease said home and properly furnish and conduct the same and pay the compensation of the superintendent and matron. Said commissioners shall likewise, upon the appointment of probation officers, as provided in this Act, transfer to the proper fund, from any other fund or funds of the county, in their discretion, such as may be necessary to pay such probation officers as provided for herein, such transfer to be made on the authority of this Act alone.

Levy for expenses of court.

At the next levying period, provision shall be made for the expenses of the court, as herein provided."

Amending Section 26, Chapter 122, Laws of 1911.

Section 3. Amend Section 26 of Chapter 122 of the Sessions Laws of the Twelfth Legislative Assembly of the State of Montana, to read as follows:

Bond of chief probation officer.

"Section 26. In counties of over thirty thousand (30,000) population, the chief probation officer shall be required to furnish to the State of Montana, a bond in the sum of Five Thousand ($5000.00) Dollars, for the faithful performance of his duties; in counties of less than thirty

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thousand (30,000) population, the chief probation officer shall furnish to the State of Montana, a bond in the sum of Two Thousand ($2000.00) Dollars for the faithful performance of his duties."

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 252.

An Act Providing for the Issuance of Bonds by Irrigation Districts, Created and Organized Under and by Virtue of the Provisions of Chapter 146 of the Laws of Montana of 1909, as Amended, for the Redemption and Payment of the Bonds and Warrants of such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Negotiable coupon bonds of irrigation district.

Section 1. The Board of Commissioners of any irrigation district, created and organized under and by virtue of the provisions of Chapter 146 of the Laws of Montana of 1909, as amended, may, whenever deemed advisable, and to the interest of such district, issue the negotiable coupon bonds of such district, for the purpose of redeeming or paying the existing and outstanding bonds and warrants of such district.

Requirements as to bonds.

Section 2. Any bonds so issued shall conform to the requirements of Section 42 of Chapter 146 of the Session Laws of Montana of 1909, as amended, and shall be signed and the corporate seal affixed, and the coupons shall be executed, as by said section required.

Lien upon land.

Section 3. Any bonds issued to redeem or pay the existing and outstanding bonds of any such irrigation district shall constitute a lien upon the lands within said district, and said lands shall be subject to a special tax or assessment for the payment of the principal and interest of said bonds, and such tax or assessment shall constitute a first and prior lien on said lands, as provided in Section 43 of said Chapter 146 of the Session Laws of Montana of 1909, as amended.

Prior lien, what is.

Lien of warrants on land.

Section 4. Any bonds issued for the payment or redemption of the existing and outstanding warrants of said district shall constitute a lien upon the lands of said district, subject to the lien of any bonds then existing and outstanding, or any bonds issued in payment or redemption of existing and outstanding bonds, and any

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Lien of bond and special tax.

special tax or assessment for the payment of the principal and interest of said bonds, shall be a lien upon the lands against which levied, subject to the lien of any special tax or assessment for the payment of the principal and interest of existing and outstanding bonds and bonds issued to pay or redeem existing and outstanding bonds.

Sale of bonds.

Section 5. Any bonds issued hereunder shall be issued, negotiated and sold by, or under the direction of, the board of commissioners, but shall never be sold for less than ninety per cent of their par value and accrued interest thereon to the date of delivery, and any such bonds may be exchanged for the bonds or warrants for the payment and redemption of which the same were issued, and in the event of an exchange shall be delivered and taken at their par value and accrued interest to the time of such exchange.

Disposition of proceeds, requirements as to.

Section 6. That the provisions of Sections 45 and 46 of Chapter 146 of the Session Laws of Montana of 1909, as amended, with reference to the disposition of the proceeds of bonds mentioned therein, and the levy and collection of a special tax or assessment for the payment of the principal and interest of such bonds, and the creation of a sinking fund, and the issuance of warrants for the payment of interest, and the investment of the funds in any sinking fund created, shall apply to the bonds issued hereunder, and all other provisions of said Chapter 146, as amended, with reference to the levy and collection of a special tax and assessment, not inconsistent or in conflict with the provisions of this Act, shall apply to the bonds issued hereunder, the same as to the bonds mentioned therein.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 253.

An Act to Amend Section 2003 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly Relative to the Apportionment by County Superintendents' of School Moneys."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2003, Chapter 76, Laws 1913.

Section 1. That Section 2003 of Chapter 76 of the Laws of the Thirteenth Legislative Assembly be and the same is hereby amended to read as follows:

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"Section 2003. Apportionment. All school moneys apportioned by County Superintendents' of common schools shall be apportioned to the several districts in proportion to the number of school census children between six and twenty-one years of age as shown by the returns of the district clerk for the preceding school census, provided that Indian children whose parents are citizens of the United States or have taken land under the allotment and severalty Act of Congress or are specified in any Act of Congress as being entitled to attend common schools either by declaration in such Act of Congress or as a condition precedent under Congressional or Federal land allotment or lien land selection, shall be entitled to attend public schools or to be enumerated as school children, and apportionment shall be made accordingly".

School moneys, apportionment of.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 254.

An Act to Amend Section 2 (a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Known as the Workman's Compensation Act, as Amended by Chapter 95 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Relating to the Salary of the Chairman of the Industrial Accident Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 (a) of Chapter 96 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by Chapter 95 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same is amended to read as follows:

Amending Section 2(a), Chapter 96, Laws of 1915, as amended by Chapter 95, Laws of 1919.

"Section 2 (a). There is hereby created a Board to consist of three members; the Commissioner of Agriculture, Labor and Industry shall be one member; the State Auditor shall be one member, and one member shall be appointed by the Governor, which Board shall be known as the Industrial Accident Board, and shall have the powers, duties and functions hereinafter conferred. The

Industrial Accident Board, composition of.

Salary and term of appointee.

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term of office of the appointed member of the Board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of Five Thousand Dollars, payable monthly, and shall be chairman of the Board.

The Board shall elect one of their number as Treasurer of the Board."

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after May first, 1921.

Approved March 11, 1921.

CHAPTER 255.

An Act Providing for the Recording of Permits Granted to Persons Who Desire to Use, Obtain, Sell or Purchase Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes, to Provide for the Recording of Permits Granted to Persons for the Sale of Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes; Permitting the Use of Said Permits After the Recording Thereof, Providing for the Recording Thereof and the Fee to Be Charged Therefor, and Providing the Manner of the Cancellation of Said Recording, and Expressly Providing That the Act Shall Not Amend or Repeal Chapter 175 or Chapter 143 of the Laws of the Fifteenth Legislative Assembly, Except So Far as the Same Shall Apply to the Introduction, Sale and Use of Non-Beverage Alcohol for Medicinal, Scientific or Manufacturing Purposes, as in This Act Provided."

Be it enacted by the Legislative Assembly of the State of Montana:

Non-beverage alcohol for medical purposes.

Section 1. Any person to whom has been issued a permit to use, purchase, obtain or sell non-beverage alcohol for medicinal, scientific or manufacturing purposes under the terms and provisions of an Act of the 66th Congress enacted into law on the 28th day of October, 1919, entitled "An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries" may use, pur-

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chase, obtain or sell such non-beverage alcohol for medicinal, scientific or manufacturing purposes, as provided for in said permit, upon compliance with this Act.

Permits to be recorded.

Section 2. Every person to whom has been issued a permit as described in Section 1 of this Act shall record such permit or a certified copy thereof with the Secretary of State and it shall thereupon be lawful for said person to use, purchase, obtain or sell such non-beverage alcohol for medicinal, scientific or manufacturing purposes only, as authorized by such permit and it shall therupon be lawful for such person to use, purchase, obtain or sell such non-beverage alcohol for medicinal, scientific or manufacturing purposes only, as authorized in such permit.

Lawful to sell, etc.

Permits to be recorded.

Section 3. Every person to whom has been issued a permit as described in Section 1 of this Act, and every person to whom has been issued a permit as described in Section 2 of this Act, shall record such permit, or a certified copy thereof, with the Secretary of State, and it shall thereupon be lawful for said person to use, purchase, obtain or sell such non-beverage alcohol for scientific, medicinal or manufacturing purposes only, as authorized in such permit, and it shall thereupon be lawful for such person to use, purchase, obtain or sell such non-beverage alcohol for medicinal, scientific or manufacturing purposes only, as authorized in such permit.

Lawful to sell, etc.

Fee for recording permit.

Section 4. The Secretary of State, upon payment to him of the sum of Two Dollars ($2.00), shall record, by separately copying each of said permits, or certified copies of permits, in a book kept by him for that purpose, and shall consecutively number each of said permits, or certified copy thereof, in said book, as the same are received. When the recording of said permits, or certified copies thereof, has been revoked, as hereinafter provided, the Secretary of State, upon proof being presented to him of said revocation, shall, opposite the number in said book of said recorded permit or certified copy, indicate said revocation and the date thereof.

Revocation.

Recorded, how.

Section 5. The Secretary of State must endorse over his signature upon each permit, or certified copy of permit, so recorded by him, the date of recording, and the number given to said permit, or certified copy thereof, and upon request shall deliver it to the party leaving the same with him for record.

Conviction will revoke.

Section 6. A conviction, under said Act of Congress or any State law relating to intoxicating liquors, of any

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Action to cancel permit.

person holding a permit, such as herein described, shall revoke the recording of said permit.

Section 7. The Attorney General, or a County Attorney, or any taxpayer within the State of Montana may, at any time, commence an action against any person who has recorded such a permit, to cancel the recording thereof, and said recording shall be cancelled upon the showing of a violation of the terms of said permit.

Not to repeal existing statutes.

Section 8. Nothing herein contained shall amend or repeal or conflict with any of the provisions of the law relating to the introduction, sale and use of intoxicating liquors, adopted by the vote of the people of the State of Montana, known as Chapter 175 of the Laws of the Fifteenth Legislative Assembly, or of any of the provisions of Chapter 143, Acts of the Fifteenth Legislative Assembly, except so far as the same shall apply to the introduction, use and sale of non-beverage alcohol for medicinal, scientific or manufacturing purposes, as in this Act provided.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 256.

An Act Prohibiting the Manufacture or Sale, or the Possession With Intent to Sell, Any Article of Food Containing Saccharin. and Providing a Penalty for Its Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

Saccharin in food prohibited.

Section 1. It shall be unlawful for any person, persons, firm or corporation within the State of Montana knowingly, to manufacture, sell, offer for sale, or have within his or their possession with the intent to sell, any beverage or article of food which contains saccharin.

"Food", definition.

Section 2. The term "food" as used in this Act shall include all articles used for food, drink, confectionery or condiment by man or animals, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

Misdemeanor.

Section 3. Any person who violates provisions of this Act shall be guilty of a misdemeanor and upon conviction, for the first offense, shall be punished by a fine of

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not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00), and for the second offense by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), and for the third and subsequent offenses by a fine of not more than one hundred dollars ($100.00) and imprisonment in the county jail for not less than thirty days nor more than ninety days. All fines collected for violations of the provisions of this Act shall be paid to the county treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the general fund as provided by law. Penalties.

Section 4. This Act shall be in full force and effect on and after its passage and approval.

Approved March 11, 1921.

CHAPTER 257.

"An Act to Amend Sections 3, 4 and 7 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, Entitled: 'An Act Relating to a Mother's Pension and for the Care of Dependent Children in Their Own Home by Their Mother, the Father of Said Children Being Dead or an Inmate of Some Montana State Institution or Who Has Failed to Provide for Said Children for a Period of One Year or More, or Who Is Physically or Mentally Incapacitated, and Whose Mother Is Financially Unable to Support Such Children; Providing a Penalty for the Violation Thereof and Repealing Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly,' and to Add a New Section Thereto to Be Known as Section 7a, Relating to New Trials and Appeals, and Repealing Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, Relating to Financial Aid in the Care of Dependent Children, and Repealing Chapter 198 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Relating to Mothers' Pensions and the Care of Dependent Children."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State Amending Section 3, Chapter 83, Laws of 1917.

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of Montana, be, and the same is hereby amended to read as follows:

Mothers' pension, condition of allowance.

Section 3. Condition of Allowance—The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of such child or children; (2) The allowance shall be made only when in the absence of such allowance the mother is unable to properly provide and care for said child or children, without being required to work regularly away from her own home and children, provided that the mother may be at times absent for work with the consent of the Judge if the District Court, if he should deem it for the best interests of said child or children; (3) The mother must, in the judgment of the court, be a proper person physically, mentally and morally for the bringing up of her children; (4) Such allowance shall, in the judgment of the court, be actually necessary for the support and maintenance of the child or children in the home; (5) No person shall receive the benefit of this act who is not a citizen of the United States or who has not declared her intention to become such citizen of the county in which said application is made for at least one year prior to the making of such application for such allowance; (6) The provisions of this act shall not apply in the case of any child who has property of its own sufficient for its support; (7) Application shall be made by the mother to the County Attorney, whose duty it shall be to prepare and file in the District Court of the county a petition, verified by the mother of such child or children, setting forth the facts above required, and in addition thereto the age of residence of such child or children, setting forth the facts above required, and in addition thereto the age of residence of such child or children, the residence of the mother, and the financial conditions of such mother and child, or children; that upon the filing of such petition the court shall designate the Bureau of Child and Animal Protection of the state of Montana, the County Probation Officer, or some other responsible resident of the county wherein the mother resides, to make a thorough investigation of all the facts of the case and the court must make an order setting said petition for hearing before the court not less than fifteen (15) days, nor more than thirty (30) days from the filing thereof, and may in his

Application, how made.

Investigation, how made.

Hearing, when.

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discretion, require the Clerk of the Court to give notice of the hearing of such application by posting notice thereof in three conspicuous places in the county and by serving upon the Probation Officer of the county or such responsible resident of the county appointed by the Court to make an investigation of the facts of the case a copy of said notice, together with a copy of said petition, and by mailing a copy of said notice to the Chairman of the Board of County Commissioners at least ten (10) days before the date set for such hearing. That upon receiving said notice the Probation officer of the county or such other responsible resident of the county appointed by the Court to make an investigation of the facts of the case must make a thorough investigation of all the facts of the case and make and file with the court at least five (5) days before the time set for such hearing, his findings and report thereon under oath, and must appear at the hearing of said application and testify in support of said findings and report if required. And it is hereby made the duty of the County Attorney to appear at such hearing and conduct an investigation thereat of all the facts in the case, and it is also made his duty to subpoena and examine at said hearing any witnesses known to him whose testimony will aid or enlighten the court upon the facts to be investigated at such hearing. Any person having any knowledge of the facts may appear at said hearing and be examined under oath as to such facts; and any taxpayer may appear at said hearing and be examined under oath as to such facts; and any taxpayer may appear at such hearing and file objection to the allowance of the application, and may be heard upon such objection at said hearing at the time fixed therefor in said notice, or at any time to which said hearing may be continued. (8) Every person receiving an allowance under this act shall every month file with the Clerk of the District Court a report in writing, upon blanks to be supplied by the county, verified under oath, showing a detailed statement of all income of the family from whatever source for the preceding month, whether or not she has remarried, whether any of the children for whom she is receiving an allowance for support have died, or are not living with her, or are not being supported by her; her present place of residence, and the present place of residence of the children for whom she is receiving an allowance, whether any of such children have attained the age of (16) years or have acquired property suffi-

Notice.

Investigation by probation officer.

County attorney to appear at hearing.

Taxpayer may appear.

Objections.

Report to be filed by person receiving allowance.

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cient for their support; provided, however, that if such person receiving an allowance under this act, lives more than five miles from the county seat, then said report need not be verified, but shall be sufficient if signed by the person receiving the allowance, and two witnesses;

Warrants to be drawn when.

(9) Upon the receipt of the report as required by the provisions of the preceding sub-section, the Clerk of the District Court shall notify the Board of County Commissioners, who shall direct the monthly warrant to be drawn for the allowance, and no warrant shall be drawn until such notice has been received by the Board of County Commissioners;

Court to inspect report.

(10) It shall be the duty of the court to inspect the monthly report required by this act, and when it shall appear from such report that the beneficiary is no longer entitled to the allowance, said order of allowance shall be revoked and set aside for the court;

When allowance obtained by fraud.

(11) Any taxpayer of the county may at any time after the filing of the order of allowance, file in said court a petition verified upon oath, setting forth facts showing that the order was fraudulently procured or that the conditions of allowance above named no longer exist, or that said report by the mother as above required has not been made, or if made, is false and fraudulent. If, in the opinion of the court, such petition is sufficient, the court shall cause a citation to issue to the mother of said child or children, fixing a time and place when and where she shall show cause why the order of allowance attacked should not be set aside."

Amending Section 4, Chapter 83, Laws of 1917.

Section 2. That Section 4 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Order of allowance.

Section 4. Whenever the Judge shall determine that the allowance under this act shall be made, he shall make an order in writing to that effect, which order, among other things, shall set out the full name of the mother, her place of residence by street and number where possible, the names and ages of the children and the amount allowed to each child, which order shall be filed with the Clerk of the Court and recorded as orders in probate procedings are recorded, and upon presentation of a certified copy of such order the County Commissioners shall direct monthly warrants to be drawn therefor, subject to the other provisions of this act. All

How drawn.

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warrants drawn under the provisions of this act shall be drawn upon the Poor Fund of the County; provided that the aggregate amount of such warrants shall not exceed fifty per cent of such fund. Poor fund.

Section 3. That Section 7 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows: Amending Section 7, Chapter 83, Laws of 1917.

"Section 7. The Penalty for Fraud.—Anyone who has fraudulently made an application to receive the benefits of this act, or who files a false report or who misrepresents the names of the applicants, or the place of residence or the names, ages, or necessities of the children in order to receive the benefit of said act, or who fraudulently aids or abets or assists any person or persons in making such fraudulent application shall be guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or imprisonment in the County Jail for not more than six (6) months, or both." Obtaining allowance by fraud. Misdemeanor. Penalty.

Section 4. That a new section be added after Section 7 of Chapter 83 of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana, to be known as Section 7A, as follows:

Section 7A. New trials may be had and appeals may be taken to the Supreme Court from orders granting or refusing new trials, making or refusing allowances, revoking or refusing to revoke the order of allowance, in the same manner as provided for taking appeals from orders in probate proceedings." New trials and appeals to Supreme Court.

Section 5. That Chapter 86 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, and Chapter 198 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, and all laws in conflict herewith are hereby repealed. Repealing. Chapter 86 Laws of 1915, and Chapter 198, Laws of 1919.

Approved March 11, 1921.

CHAPTER 258.

An Act to Amend Sections 2 and 3 of Chapter 79, Acts of the Fifteenth Legislative Assembly, Entitled 'An Act to License Certain Corporations for the Exclusive Use and Benefit of the State of Montana, Fixing the Li-

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cense Fee for Engaging in Business and Providing a Method of Collecting Such License Fee, and Repealing Section 2773 of the Revised Codes of the State of Montana of 1907 as Amended by the Act Approved March 1, 1911, Entitled "An Act to Amend Section 2773 of the Revised Codes of the State of Montana of 1907 and Sections 2774 and 2777 of the Revised Codes of Montana of 1907, as Amended by Chapters 69 and 208 of the Acts of the Sixteenth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2, Chapter 79, Laws of 1917, as amended by Chapters 69 and 208, Laws of 1919.

Section 1. That Section 2 of Chapter 79 of the Acts of the Fifteenth Legislative Assembly, as amended by Chapter 69 and Chapter 208 of the Acts of the Sixteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

Net income, how ascertained.

"Section 2. In the case of a corporation engaged in business wholly within the State of Montana, such net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources.

Expenses deducted.

First. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Losses sustained.

Second. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade. No deduction shall be allowed for any amount paid out for any buildings, permanent improvements or betterments made to increase the value of any property or estate and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Interest paid.

Third. The amount of interest paid within the year on its indebtedness to an amount of such indebtedness, not in excess of the sum of (a) the entire amount of the paid up capital stock, outstanding at the close of the year, or if no capital stock, the entire amount of capital employed in the business at the close of the year, and (b) one-half of its interest-bearing indebtedness then out-

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standing. For the purpose of this Act preferred capital stock shall not be considered interest-bearing indebtedness and interest or dividends paid upon this stock shall not be deductible from gross income. In cases wherein shares of capital stock are issued without par or normal value the amount of paid up capital stock within the meaning of this section as represented by such shares will be the amount of cash or its equivalent paid or transferred to the corporation as a consideration for such shares. In the case of indebtedness wholly secured by property collateral, tangible or intangible, the subject of sale or hypothecation in the ordinary business of the corporation, as a dealer only in the property constituting such collateral or in loaning the funds thereby procured, the total interest paid by such corporation within the year on any such indebtedness may be deducted as a part of its expenses of doing business, but interest on such indebtedness shall only be deductible on an amount of such indebtedness in excess of the actual value of the property collateral. In the case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee herein imposed or any other tax or license fee paid pursuant to such guarantee shall be allowed. In the case of a bank interest paid within the year on deposits of any moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank shall be allowed.

Taxes and license fees.

Fourth. Taxes and license fees paid within the year imposed by authority of the United States or its territories or possessions, or any foreign country, or under the authority of this state or any county, school district or municipality or other taxing sub-division of this State, not including those assessed against local benefits.

As to insurance companies.

Fifth. In the case of insurance companies, in addition to the above; the net addition required by law to be made within the year to reserve funds, and within the year on policy and annuity contracts.

Arbitrary deduction.

Sixth. And in addition to the foregoing deductions, every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of Two Thousand Five Hundred Dollars ($2,500.00)."

Amending Section 3, Chapter 79, Laws of 1917, as amended by Chapter 69 and Chapter 208, Laws of 1919.

Section 2. That Section 3 of Chapter 79 of the Acts of the Fifteenth Legislative Assembly, as amended by

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Chapter 69 and Chapter 208 of the Acts of the Sixteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

Net income of corporations within and without state, how ascertained.

"Section 3. In the case of a corporation engaged partly in business within the State of Montana and partly within any other state or territory of the United States or any foreign country, the net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources within the State of Montana, other than the income derived from interstate commerce.

Expenses deducted.

First. All the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the State of Montana, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity.

Losses sustained.

Second. All losses actually sustained within the year in business or trade conducted by it within the State of Montana, and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade within the State of Montana. No deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Interest paid.

Third. The amount of interest paid within the year on its indebtedness in the business carried on in the State of Montana to an amount of such indebtedness not in excess of the proportion of the sum of (a) the entire amount of the paid up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of the capital employed in the business at the close of the year and but one-half of its interest-bearing indebtedness then outstanding which the gross amount of its income for the year from business transacted and capital invested within the State of Montana bears to the gross amount of its income derived from all sources within and without the State of Montana. In case of bonds or other indebtedness which have been issued with a guarantee

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that the interest payable thereon shall be free from taxation, no deduction for the payment of the license fee herein imposed or any other tax paid pursuant to such guarantee shall be allowed.

Taxes paid.

Fourth. Taxes paid within the year imposed by the State of Montana or by any county, school district or municipality or other taxing subdivision of the State of Montana not including those assessed against local benefits.

As to insurance companies.

Fifth. In the case of insurance companies, in addition to the above: (a) The net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies, the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee of reserve funds); and (b) the sums other than dividends paid within the taxable year on policy and annuity contracts.

"Arbitrary deductions."

Sixth. And in addition to the foregoing deductions every such corporation shall also have the right and privilege of making an additional arbitrary deduction of the sum of Two Thousand Five Hundred Dollars ($2,500.00).

Business done in state, how computed.

Provided, however, that as to any corporation engaged in both intrastate and interstate commerce, the net earnings from intrastate business in Montana, so far as expenses of maintenance and operation are concerned, shall be determined by deducting from the gross earnings from intrastate business in Montana such portion thereof as the total expenses of such corporation for maintenance and operation, both within and without the State of Montana, are of the gross earnings of such corporation from all sources both within and without the state; provided, further, that as to any such corporation the deduction for interest shall be such portion of all interest paid on the entire indebtedness of such corporation as the gross intrastate earnings of such corporation in Montana are of the gross earning of such corporation from all sources, both within and without the state, and the deduction for taxes shall be such portion of all taxes paid by such corporation in Montana as the gross intrastate earnings of such corporation in Montana are of the gross earnings of such corporation from all sources within the state, and otherwise the foregoing provisions with reference to deduction shall apply."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 259.

An Act to Amend Section 51 of Chapter 89 of the Laws of the Fourteenth Legislative Assembly of the State of Montana as Amended by Section 3 of Chapter 148 of the Laws of the Fifteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 51, Chapter 89, Laws of 1915, as amended by Section 3, Chapter 148, Laws of 1917.

Section 1. That Section 51 of Chapter 89 of the Acts of the Fourteenth Legislative Assembly of the State of Montana as amended by Section 3 of Chapter 148 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Banking department, creation of.

"Section 51. There is hereby created a state banking department. The State Examiner of the State of Montana shall be ex-officio "superintendent of banks". Said State Examiner and ex-officio superintendent of banks shall be appointed by the Governor. The State Examiner and ex-officio superintendent of banks shall be appointed by the Governor of the State and said appointment must be submitted to the Senate of the State of Montana for confirmation. The term of office of the said State Examiner and ex-officio superintendent of banks shall be for the period of four (4) years. He shall if required by the Governor file an additional bond, as ex-officio superintendent of banks, in a penal sum not to exceed $75,000.00 with a surety or sureties to be approved by the Governor conditioned upon the faithful charge as to the duty of his office as ex-officio superintendent of banks.

Appointment of Bank Examiner.

Term of office.

Bond.

Deputies and clerks, appointment of.

Salaries of deputies.

The State Examiner and ex-officio superintendent of banks shall have the power and authority by and with the approval and consent of the State Board of Examiners to appoint such deputies and clerks as may be necessary for the proper transaction of the business of the department. The salaries of all deputies appointed by the State Examiner and ex-officio superintendent of banks shall be fixed by the State Board of Examiners. The State Examiner and ex-officio superintendent of banks shall receive a salary of Five Thousand Dollars ($5,000.00) per annum payable monthly."

Salary of State Examiner.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

CHAPTER 260.

An Act Amending Section 181 of the Revised Codes of the State of Montana, 1907, Relating to the Registry and Interest on State Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 181 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows:

Payment of state warrants.

Section 181. Registry and Interest on State Warrants: It is the duty of the State Treasurer on the presentation of State Warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event that there are no funds available for such payment, he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrent so registered, on its face, "Presented for payment, and not paid for want of funds, and registered in this office this ..... day of ....," inserting the date of registration; and he shall affix his signature as such treasurer thereto; and all warrants so registered and endorsed shall bear interest at the rate of four (4) per cent per annum until called for payment, after which date interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner set forth in Section 184 (444) of the Chapter hereinbefore mentioned: Provided, however, that all warrants so registered and endorsed between the 1st day of March, 1921, and the 1st day of March, 1921, and the first day of January, 1922, shall bear interest at the rate of seven (7) per cent per annum until paid, but after said date of January 1st, 1922, all warrants so registered and endorsed shall bear interest at the rate of four (4) per cent per annum as above provided.

Registration of state warrants.

Interest on warrants.

Rate of interest after March 1st, 1921.

Rate of interest after January 1st, 1922.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after the date of the passage and approval of this Act.

Approved March 15, 1921.

CHAPTER 261.

An Act Amending Sections 2692 and 2714 of the Revised Codes of Montana and Providing a Poll Tax on Males Not the Heads of Families to Be Paid into the Poor Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2692, Revised Codes.

Section 1. That said Section 2692 of the Revised Codes of Montana be and hereby is amended to read as follows:

Poll tax, age for.

"Section 2692. Every male inhabitant of this State over twenty-one and under sixty years of age except paupers, insane persons and Indians not taxed, must annually pay a poll tax of Two Dollars ($2.00).

Poll tax when not head of family.

In addition to the foregoing poll tax of Two Dollars, ($2.00) every such male inhabitant of this State who is not the head of a family, as hereinafter defined, must annually pay an additional poll tax of Three Dollars, ($3.00).

"Head of family" defined.

The words 'head of a family' shall, for the purpose of this act, be construed to mean any person having wholly dependent upon him for support, a wife, minor child, father, mother, brother, or sister and any such male person actually living with his wife."

Amending Section 2714, Revised Codes.

Section 2. That Section 2714 of the Revised Codes of Montana be and is hereby amended to read as follows:

Poll tax paid to "poor fund."

"Proceeds of the poll tax must be paid to the County Treasurer as provided by law for the exclusive use of the Poor Fund of the County.

Section 3. All acts, and parts of acts, in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect after its passage and approval.

Approved March 15, 1921.

CHAPTER 262.

An Act to Provide That the Livestock Commission Shall Constitute the Livestock Sanitary Board, to Define the Powers and Duties of the Livestock Sanitary Board,

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and to Repeal Sections 1512 to 1558 (Both Inclusive), and Sections 1836 to 1853 (Both Inclusive) of the Revised Codes of Montana, 1907, to Repeal Chapter 157 of the Laws of Montana, Fifteenth Session of 1917, and to Repeal Chapter 132 of the Laws of Montana, Sixteenth Session of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Livestock Sanitary Board, creation of.

Section 1. In addition to the powers and duties now conferred on the Livestock Commission, the members thereof shall constitute the Livestock Sanitary Board.

Meetings.

Meetings of the Livestock Sanitary Board shall be held upon call of the Chairman or Executive Officer, or of any three members; a majority of the Board shall constitute a quorum for the transaction of business; and the Chairman of the Livestock Commission shall act as Chairman of the Livestock Sanitary Board.

Compensation.

The members of the Livestock Commission shall receive no compensation for acting on said board, but they shall receive their actual and necessary travelling and subsistence expenses while in attendance upon and in going to and from board meetings.

Claims, how paid.

Section 2. All claims against the Board must be verified by oath of claimant, or his agent with knowledge of the facts, and be approved by the State Board of Examiners before payment.

State Veterinary surgeon, appointment.

Section 3. The Board shall appoint a Chief Executive Officer, who shall act as the State Veterinary Surgeon.

Qualifications.

He must be a graduate of a regular and reputable veterinary college, or of the veterinary department of a regular and reputable university, and he must be licensed to practice veterinary medicine in the State of Montana.

Powers and duties.

Section 4. The State Veterinary Surgeon shall be the Executive Officer of the Livestock Sanitary Board, and shall act as its Secretary; and, subject to the rules and regulations of the Board, he shall have power to act for and perform the duties imposed by law in the Board, when the Board is not in session, but any order or regulation promulgated by him shall be subject to review, modification or annulment by the Board at its next, or any subsequent meeting.

Deputies and assistants.

Section 5. The State Veterinary Surgeon may, by and with the consent of the Livestock Sanitary Board, appoint inspectors, deputy veterinary surgeons, and other agents and assistants, whose duties it shall be to act under the directions of the State Veterinary Surgeon and

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the Livestock Sanitary Board. Such Deputy Veterinary Surgeons must be graduates of a regular and reputable Veterinary College, or of the Veterinary Department of a regular and reputable university.

Qualifications.

Section 6. By and with the consent of the Livestock Sanitary Board, together with the approval of either the Federal Veterinary Inspector in charge in the State of Montana, or the Chief of the United States Bureau of Animal Industry, the State Veterinary Surgeon may appoint Federal Veterinary Inspectors stationed in this State, as Deputy Veterinary Surgeons under this Act, and by and with such consent and approval, Federal lay inspectors stationed in this State may likewise be appointed agents for the Livestock Sanitary Board. All such Federal Officers so appointed as deputies or agents of the Livestock Sanitary Board shall possess the powers and duties of Deputy State Veterinary Surgeons or agents of the Livestock Sanitary Board, as the case may be, but they shall act without compensation and hold office only at the pleasure of the Livestock Sanitary Board.

Federal Inspectors, appointment of.

Powers of.

Section 7. In the performance of their official duties, the State Veterinary Surgeon, and any other agent or officer of the Livestock Sanitary Board shall be, and are hereby, authorized and empowered to enter upon or into any lot, yard, land, building, room, premises, enclosure, car, wagon, boat or other place or vehicle used for the treatment, storage, manufacture, display, or transportation of animals, meat or dairy products, intended for sale or disposal as food or whereon or wherein may be found any livestock affected with, or which has been exposed to, or which such officer has reason to believe is either affected with, or has been exposed to, an infectious, contagious, communicable or dangerous disease, or disease carrying insects.

Power to inspect certain premises.

Section 8. The Livestock Sanitary Board shall have power:

Powers of Sanitary Board.

1. To supervise and control the action of the State Veterinary Surgeon, all deputies, inspectors and other employees, and to prescribe their duties, compensation and tenure of office.

Control over appointees.

2. To remove any one or more of its appointees, subordinates and employees at any time for cause.

Removal of appointees.

3. To supervise the sanitary conditions of livestock in this State, under the provisions of the Constitution and

Supervision over sanitary conditions of livestock.

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statutes of this State and such reasonable rules and regulations as this Board may from time to time promulgate, and to this end this Board shall have power to quarantine any lot, yard, land, building, room, premises, enclosure, or other place or section in this State, which is or may be used or occupied by livestock, and which, in the judgment of the State Veterinary Surgeon, or of his authorized agent, is infected or contaminated with an infectious, contagious, communicable or dangerous disease, or disease-carrying medium by which such disease may be communicated; and this Board shall have power to quarantine any livestock in this State, whenever, in the judgment of the State Veterinary Surgeon, or of his authorized agent, such livestock is affected with, or has been exposed to such disease or disease-carrying medium; and this Board shall have power to prescribe treatments and enforce sanitary regulations which, in the judgment of the State Veterinary Surgeon, or of his authorized agent, are reasonable, necessary and proper to circumscribe, extirpate, control or prevent such diseases.

Quarantine.

Treatment.

4. To foster, promote and protect the livestock industry in this State by the investigation of diseases and other subjects related to ways and means of prevention, extirpation and control of diseases, or to the care of livestock and its products; and to this end to establish and maintain a laboratory, and to make, or cause to be made, biologic products, curatives and preventative agents; and to do or perform such other acts and things as in their judgment may be necessary or proper in the fostering, promotion or protection of the livestock industry in this State.

Investigation and prevention of disease.

5. To promulgate and enforce such reasonable rules, regulations and orders, as they may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting livestock into this State, and to this end to promulgate and enforce such reasonable rules, regulations and orders as they may deem necessary or proper governing inspections and tests of all livestock intended for importation into this State, before it may be imported into this State.

Adoption of rules to prevent disease.

6. To promulgate and enforce such reasonable rules, regulations and orders as they may deem necessary or proper for the inspection, testing and quarantine of all livestock imported into this State.

Quarantine of imported livestock.

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Control sanitary conditions of slaughter houses.

7. To promulgate and enforce such reasonable rules, regulations and orders, as may to them seem necessary or proper for the supervision, inspection and control of the standards and sanitary conditions of slaughter houses, meat depots, meat and meat food products, dairies, milk depots, milk and its by products, barns, dairy cows, factories and other places and premises where meat, or meat foods, milk or its products, or any thereof intended for sale or consumption as food are produced, kept, handled or stored; and for the purposes of this Act, they, or any duly authorized representative of said Board, may take samples of any such product, or products, so produced, kept, handled, or stored, for analysis or testing by the Livestock Sanitary Board chemist or bacteriologist or the State chemist, and the records of such samples and their analysis and test, when identified as to the sample by the oath of the officer taking the same, and verified, as to the analysis or test, by the oath of such chemist or bacteriologist making the same, shall be prima facie evidence of the facts therein set forth, when offered in evidence in any prosecution or action at law or in equity for violation of the provisions of this Act, or any rule, regulation or order of said board, made in pursuance to this Act, provided that the standards referred to in this sub-section 7, in so far as they relate to dairies or milk and its by-products, shall not be deemed to include standards of weight or measurement.

Records to be prima facie evidence, when.

Manufacture of foods for livestock.

8. To promulgate and enforce such reasonable rules, regulations and orders as may to them seem necessary or proper for the supervision and control of manufactured and refined foods for livestock, and the manufacture, importation, sale and method of using any biologic remedy or curative agent for the treatment for diseases of livestock; provided, however, that as far as practicable the standards approved by the United States Department of Agriculture shall be adopted.

U. S. standards to be adopted.

Meat inspection.

9. To install an adequate system of meat inspection at any time, and in such places as public welfare may demand under the rules and regulations which may provide fees for the maintenance for such inspection, and which shall provide ways and means for shipping home grown and home killed meats into any city in Montana. As far as practicable such rules and regulations shall conform with the meat inspection requirements of the United States Bureau of Animal Industry.

U. S. standards.

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Slaughter of diseased cattle, when.

10. To slaughter, or cause to be slaughtered, any or all livestock in this State known to be affected with, or which has been exposed to, an infectious, contagious, communicable or dangerous disease, when, in the opinion of the State Veterinary Surgeon, or of a Deputy Veterinary Surgeon, such slaughter is necessary for the protection of other livestock; and to destroy, or cause to be destroyed all barns, stables, sheds, outbuildings, fixtures, furniture and personal property infected with any such infectious, contagious, communicable or dangerous disease, when, in the judgment of the State Veterinary Surgeon, or his authorized agent, the same cannot be thoroughly cleaned and disinfected, and in the judgment of that officer, or his authorized agent, such destruction is necessary to prevent the spreading of such disease.

To indemnify owner.

11. To indemnify the owner of any property destroyed by order of this Board, or its authorized representatives, under the provisions of this Act, or any rules, regulations or orders promulgated by this Board in pursuance of this Act.

To require statistics.

12. To require persons, firms, and corporations engaged in the production or handling of meat, or meat food products, or dairy products, or any thereof, to furnish statistics of the quantity and cost of such food and food products produced or handled, and the name and address of person or persons supplying them any of such products.

Tuberculin test.

Section 9. It shall be the duty of the Livestock Sanitary Board to promulgate and enforce rules and regulations for the inspection and tuberculin test of all dairy cattle, or other animals, and for the inspection, test, treatment or disposition of all livestock affected with, or which may have been exposed to, any infectious, contagious, communicable or dangerous disease, and for the quarantines provided for in this Act.

Meat slaughtered under insanitary conditions not to be sold.

Section 10. It shall be unlawful for any person, firm or corporation, to sell as food for human beings, or to hold or possess as human food intended for sale, the carcass or part of carcass of any animal slaughtered under insanitary conditions, or which carcass or part of carcass has been prepared, handled or kept under insanitary conditions; and it shall be the duty of the Livestock Sanitary Board to see that the provisions of this Section are enforced.

Section 11. Nothing in this Act shall prevent the governing authority of any municipal corporation from

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Cities may provide for inspection of slaughterhouses.

enacting or enforcing ordinances providing for the inspection of slaughter houses, meat depots, meat markets, meat food products, creameries, butter or cheese factories, dairies and dairy products sold or offered for sale within the limits of such municipal corporation; but no such ordinance shall be enforced in conflict with the powers of this Act delegated to the Livestock Sanitary Board, its officers or agents.

Rules for compensation for slaughtered animals.

Section 12. Animals with reference to compensation for slaughter by direction of the Livestock Sanitary Board, or an agent thereof, under the provisions of this Act, shall be divided into two classes, to-wit:

Animals of class one, what are.

1. Animals determined by the State Veterinary Surgeon, or by a Deputy Veterinary Surgeon, to be affected with an incurable disease, which are killed by order of such officer, shall be designated as animals of Class One, and, unless otherwise herein provided, each of such animals shall be paid for on a basis of seventy-five per cent of its full assessed valuation, as such full assessed valuation is fixed on the completon of the assessment roll on the second Monday in the month of August next preceding the killing, by the tax assessment records of the county liable in part for any indemnity to be paid. The county in which such animal was last assessable for tax purposes in this State, or if such animal has not been assessable for taxes in this State, the county in which such animal was located at the time it was condemned, shall be liable in part, as hereinafter provided, for any indemnity to be paid for such animal; provided, the total amount of indemnity to be paid from all sources for any such animal shall not exceed the actual sound value of an animal of its class; and provided further, that the total amount of indemnity to be paid for such animal from all sources shall not exceed the sum of Three Hundred Dollars for any pure bred animal, or the sum of One Hundred Dollars for any grade animal.

75% of valuation, how determined.

County liable when.

Limit of indemnity.

Value of animals of class one, how determined.

2. Animals of Class One shall be paid for on a basis of their full assessed valuation, as herein determined, in event no evidence of such incurable disease is disclosed by autopsy, bacteriologic, serologic, microscopic or other findings; provided, the total amount of indemnity paid from all sources for any such animal shall not exceed the actual sound value of an animal of its class; and provided further, that the total amount of indemnity to be paid from all sources for such animal shall not exceed

Limit of indemnity.

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Five Hundred Dollars for any pure bred animal, or One Hundred and Fifty Dollars for any grade animal

Animals of class two, what are.

3. Animals determined by the State Veterinary Surgeon, or by a Deputy Veterinary Surgeon, to be affected with or exposed to an infectious, contagious, communicable or dangerous disease which is not of its nature necessarily fatal, which animals are killed by order of such officer as a sanitary safeguard, shall be designated as animals of Class Two, and unless otherwise herein provided, each of such animals shall be paid for on the basis of its full assessed value as such full assesssed value is determined by the method outlined hereinabove in this Section; provided, the total amount of indemnity paid for all sources for any such animal shall not exceed the actual sound value of an animal of its class; and provided further, that the total amount of indemnity to be paid for such animal from all source shall not exceed Five Hundred Dollars for any pure bred animal, or the sum of One Hundred and Fifty Dollars for any grade animal.

Value of class two, how determined.

Limit of indemnity.

Value when not assessed, how fixed.

4. Where an animal killed by order of the Board, or of its agent, does not appear on the last assessment roll of the county liable for indemnity, then its assessed valuation herein referred to as a basis for indemnity shall be equal to the minimum assessed valuation for animals of the class and age such animal would have been at the last past assessment time in the county.

Young animals not assessed, value fixed how.

5. Animals destroyed but too young to have been assessed at the time of assessment shall be appraised by the State Veterinary Surgeon, or his authorized agent, and paid for according to that appraised value, but the total claim from all sources shall in no case exceed $25.00 for a grade calf and $50.00 for a pure bred calf, and $35.00 for a grade yearling, and $100.00 for a pure bred yearling. In case of controversy the appraisement of the State Veterinary Surgeon shall be final, with no recourse, and the owner or agent shall be liable for the actual travelling expenses of the State Veterinary Surgeon in making such appraisement.

Limit of claim.

Animals killed in inspection how paid for.

6. Animals which may be injured or killed while they are being inspected or tested in accordance with an order of the Livestock Sanitary Board, and which animals do not come within either Class One or Class Two as herein provided, may be paid for at their full assessed valuation, or in accordance with Subdivision 5 of this Section, when

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the claim therefor is recommended for payment at a meeting of the Livestock Sanitary Board and is approved by the State Board of Examiners, and where it is shown that the injury or death of such animal was not proximately due to the negligence of the owner or his agent. The whole of such claim when so approved shall be paid out of the Livestock Sanitary Board funds; provided, however, that the limit of compensation for such animal from all sources shall not exceed that fixed by this Act for animals of Class Two.

Limit of compensation.

Personal property destroyed, how paid for.

Section 13. Personal property, other than livestock, destroyed by order of the Livestock Sanitary Board, or an authorized representative thereof, shall be paid for on the basis of its full assessed valuation; such full assessed valuation to be determined in the manner specified in Section 12 of this Act for the determination of the assessed valuation of animals.

Claims, how paid by state.

Section 14. In payment for animals or property destroyed by order of the Livestock Sanitary Board, the State shall pay one half of such indemnity out of any moneys at the disposal of the Livestock Sanitary Board, and the county liable in part for the indemnity, as such county is determined by this Act, shall pay the one half part of such total indemnity out of the General Fund of the county.

Claims how paid by county.

Form for claims.

Section 15. Claims against the State and any county thereof, arising from the destruction of animals or property destroyed by order of the Livestock Sanitary Board, shall be made upon official forms, which must contain an affidavit by the owner, or his agent with knowledge of the facts, of such animal or property, that such animal or animals have been killed and buried, and the property destroyed, in accordance with the law and regulations of the Livestock Sanitary Board; and such claims must be accompanied by a certificate from the State Veterinary Surgeon, or his authorized deputy or agent, that such animal or animals, or property, (as the case may be), were ordered destroyed. Such claims shall likewise be accompanied by the certificate of the County Assessor of the county liable in part for the indemnity, setting forth the full assessed value of animals or property, (as the case may be), destroyed, as shown by the records of his office on the completion of the tax roll the second Monday in August last preceding the date of the killing or destruction.

Certificate of county assessor.

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Warrant for claim, how issued.

Section 16. Claims against the State arising under this Act, and when passed by the Board of Examiners, shall be examined by the State Auditor, and if found correct, he shall issue a warrant upon the State Treasurer for the amount payable by the State and charge the same to any funds or account at the disposal of the Livestock Sanitary Board.

Claim against county, how paid.

Section 17. The Board of County Commissioners of the county liable in part for the indemnity for any such animal or property destroyed, shall cause to be paid the amount due from said county out of the General Funds of the county.

Proceeds from sale of carcasses, bar to claim.

Section 18. Where carcasses of animals ordered destroyed under this Act are found, upon post mortem inspection (which inspection must be made in accordance with the regulations of the Livestock Sanitary Board by a State or Federal Veterinarian) fit for human consumption, the owner may receive the net proceeds from the sale of such carcass and shall have no further claim against the State or county on account of such slaughter. Should the owner refuse to accept this salvage in full settlement for the destruction of the animal, then the representative of the Livestock Sanitary Board may proceed to sell the carcass, upon such terms as shall to him seem to the best interests of the State, and the net proceeds obtained therefrom shall be paid, fifty per cent to the Livestock Sanitary Board Fund and fifty per cent to the Treasurer of the county liable in part for the indemnity to be paid for such animal.

Refusal to accept, proceeds how disposed of.

Indemnity, when not allowed.

Section 19. The owner of any animal or property destroyed, as provided in this Act, shall be entitled to indemnity therefor as herein provided, except in the following cases:

U. S. animals.

1. Animals belonging to the United States.

Imported stock.

2. Animals brought into the State violating any provisions of this Act, or regulations of the Livestock Sanitary Board.

Stock known to be diseased.

3. Animals which the owner or claimant knew to be diseased, or had notice thereof at the time they came into his possession.

Stock authorized to be imported how paid for.

4. Animals which had the disease for which they were slaughtered, or which were destroyed by reason of exposure to such disease, at the time of their arrival in the State, providing, however, that any animal or animals of the second class which were shipped into the State

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of Montana in accordance with the Livestock Sanitary Board regulations and accompanied by the proper certificate of health from a recognized State or Federal Veterinarian may be paid for when such payment is authorized at a meeting of the Livestock Sanitary Board and approved by the State Board of Examiners.

Stock not in state 120 days when disease is disclosed.

5. Animals which have not been within the State of Montana for at least 120 days prior to the discovery of the disease, provided that animals of the second class which have not been in the State 120 days may be paid for when such payment is authorized at a meeting of the Livestock Sanitary Board and approved by the State Board of Examiners.

Disease not prevented by owner.

6. When the owner, or agent, has not used reasonable diligence to prevent disease or exposure thereto.

Rules not complied with by owner.

7. When the owner, or agent, has not complied with the rules and regulations of the Livestock Sanitary Board with respect to animals condemned.

No compensation when herd not under control of Board.

8. No compensation or indemnity will be paid for the destruction of any livestock affected with tuberculosis, or other infectious, contagious, communicable or dangerous disease, unless the entire herd or band of which such affected livestock is a part shall be under the supervision of the Livestock Sanitary Board for the eradication of such disease.

When animals not destroyed.

9. When animals condemned are not destroyed within sixty days after they have been determined to be affected with or exposed to a disease which requires them to be destroyed by order of the Livestock Sanitary Board.

Compensation from other agency deducted.

Section 20. In all cases where the Federal Government, or agency other than the State or county shall compensate the owner in whole or in part for livestock or property destroyed by order of the Livestock Sanitary Board, then the amount of such compensation from the Federal Government, or other agency, shall be deducted from the amount of compensation or indemnity provided herein for such animal or property destroyed; and provided further, that where the owner, or agent, of such livestock or property destroyed by order of the Livestock Sanitary Board, shall forfeit any indemnity which the owner would otherwise be entitled to from the Federal Government, or other compensating agency than the State or county, by violation of the regulations of the Federal Government, or other agency, then and in such case an amount equal to the indemnity which would

Amount forfeited also deducted.

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have been paid, but for the forfeiture, by the Federal Government, or other indemnifying agency, shall likewise be deducted from the payment required by this Act from the State and county for the destruction of such animal or property.

Expenses under act, how paid.

Section 21. The expense of inspecting, testing, supervision of quarantine, supervision of dipping, supervision of disinfection, and supervision of other treatment of livestock by the Livestock Sanitary Board, under the provisions of this Act, and the sanitary inspection of dairies, packing houses, meat depots, slaughter houses, milk depots, and other premises as provided in this Act, shall be paid for by the Livestock Sanitary Board out of such funds as they may have at their command; provided, however, that the owner of such livestock or property shall be liable for all expenses, save the salary of the supervising officer or officers, representing this Board, when such owner, agent, or person in charge of such livestock or property shall have violated the regulations of the Livestock Sanitary Board, and such expenses shall be a lien upon the livestock or other property, and the agent of the Livestock Sanitary Board may retain possession of the livestock until the charges and expenses are paid; but the lien shall not be dependent upon possession, and the lien may be foreclosed in the name of the agent of the Livestock Sanitary Board by selling of the stock, or as many as may be necessary to pay the sum of the costs, by sale at public auction, and ten days notice by posting thereof in three public places in the county, or such lien may be foreclosed by an action in any court of competent jurisdiction against the owner of the livestock to recover the amount of charges and expenses.

Violation of rules incurs liability for expense.

Lien for expense, when.

Foreclosure.

Common carrier liable for expenses, when.

Section 22. The expense of cleaning and disinfection of cars, yards or other transportation facilities of a common carrier, when required by the Livestock Sanitary Board, shall be a charge against and collectible from such common carrier; and likewise the expense of supervising the cleaning and disinfection of cars for transportation of livestock, when required at any point other than disinfection points agreed upon between the board and the carrier, shall be a charge against and collectible from such common carrier.

License for creameries, etc.

Section 23. It shall be unlawful for any person, firm or corporation to conduct any creamery, receiving sta-

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tion, dairy, butter, cheese, condensed milk or ice cream factory within the State of Montana without first securing a license issued by the Livestock Sanitary Board, which license shall expire on the last day of December of the current year in which it is issued; provided, also that said license may be revoked at any time by the Livestock Sanitary Board or State Veterinary Surgeon when they, or he, shall determine that a license has failed to comply with the rules and regulations of the Livestock Sanitary Board, or failed to conduct such an establishment in a sanitary manner; provided, further, that all licenses now issued by the State Dairy Commisssioner for the operation of any creamery, receiving station, dairy, butter, cheese, condensed milk, or ice cream factory, within the State of Montana shall continue in effect for the period of said license, unless cancelled by the Livestock Sanitary Board for good cause shown. All license fees collected under the terms of this Section shall be paid into the General Fund.

Revocation.

Disposition of fees.

The following schedule of license fees shall be charges for all licenses issued under the provisions of this Section by the Livestock Sanitary Board:

Schedule of fees.

Schedule of License Fees:

Dairies less than 20 cows.

Dairies of 20 cows or less selling milk or cream, or both shall pay an annual license fee of $1.00;

Dairies more than 20 cows.

Dairies of over 20 cows selling milk or cream, or both shall pay an annual license fee of $2.50;

Cheese factories less than 500,000 pounds.

Cheese factories and butter factories and condensed milk factories having an annual output of less than five hundred thousand pounds shall pay an annual license fee of $5.00;

Cheese factories more than 500,000 pounds.

Cheese factories and butter factories and condensed milk factories having an annual output of five hundred thousand pounds or over shall pay an annual license fee of $25.00;

Ice cream factories less than 15,000 gal.

Ice cream factories, not making butter and cheese, having an annual output of less than fifteen thousand gallons shall pay an annual license fee of $5.00;

Ice cream factories more than 15,000 gal.

Ice cream factories, not making butter and cheese, having an annual output of fifteen thousand gallons or more shall pay an annual license fee of $25.00;

Milk plants.

Milk plants shall pay an annual license fee of $10.00;

Receiving stations.

Receiving stations for milk or cream, or both, shall pay an annual license fee of $1.00.

License from Board of Health not required.

Section 24. On and after the passage and approval and effective date of this Act, the owners or operators of

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slaughter houses, packing houses, meat depots, dairies, creameries, butter factories, cheese factories, or other places of business engaged in the production, storage or transportation of meats, meat foods, or dairy products, shall not be required to procure a license from the State Board of Health, insofar as the business of production, storage or transportation of such food products are concerned, but nothing in this Act contained shall be construed to limit or conflict with the supervision or regulation of the sanitary condition of any restaurant, hotel, boarding house, or retail market, or the products sold or offered for sale thereat, by the State Board of Health, nor shall this Act be construed to limit or conflict with the duties imposed by law in the State Board of Health to make and enforce sanitary regulations for the eradication or control of any epidemic of human disease which may exist in any community.

Local officers to assist Sanitary Board.

Section 25. It shall be the duty of the State and several local boards of health of any county, city, town or village in this State to co-operate with, and assist the Livestock Sanitary Board in all matters relating to the execution of its sanitary powers as to livestock and their food products under this Act, in such manner as may be by the Livestock Sanitary Board prescribed, either by general regulation or direct order.

Slaughter house to have license.

Section 26. It shall be unlawful for any person, firm or corporation to maintain or conduct any slaughter house or meat packing house or meat depot in this State without having a license issued by the Livestock Sanitary Board. The annual fee for all licenses issued under the provisions of this Section shall be One Dollar and shall be paid into the General Fund. All licenses shall be made to expire on the last day of December of the current year in which they are issued, and shall be renewed by said Board upon request of the licensee; provided, that when the Livestock Sanitary Board shall find that the place from which such license is issued is not conducted in accordance with the rules, regulations and orders of said Board, made and promulgated in accordance with the provisions of this Act, then said Board shall revoke such license and shall not renew the same until such place is put in a sanitary condition in accordance with such rules and regulations; provided further, that all licenses now issued by the State Board of Health for the operation of slaughter houses or meat packing houses or meat depots shall continue in effect for the

Fee.

Expiration.

Renewal.

License of Board of Health to continue in effect.

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period of said license, unless cancelled by the Livestock Sanitary Board for good cause shown.

Notice of diseased stock to be given by whom.

Section 27. Any person, including the owner or custodian, who has reason to suspect the existence of a dangerous, infectious, contagious or communicable disease in livestock, or the presence of exposed animals to such disease, at any point within the State of Montana shall forthwith give notice thereof to the State Veterinary Surgeon.

Diseased stock not to run at large.

Section 28. It shall be unlawful for any owner, agent or person in charge of, any domestic animal, or animals, that are known to be suffering from or exposed to a dangerous, infectious, contagious or communicable disease, to permit such animal or animals to run at large on the public range or public highway; and it shall be the duty of the owner, or agent, or person in charge of animals which died, or they have reason to suspect did die from an infectious, contagious, communicable or dangerous disease, to properly bury or burn the same.

Burial of animals.

Violation of Act is misdemeanor.

Section 29. Any person, persons, firm or corporation violating any provision of this Act, or the rule, regulation or order promulgated by authority of same, shall be guilty of a misdemeanor; violations of this Act shall be tried without undue delay in any court of competent jurisdiction.

Penalty in damages.

Section 30. Any person or persons, firm, or corporation violating any of the provisions of this Act or regulations or orders of the Livestock Sanitary Board (or State Veterinary Surgeon), shall be liable for all damages which may be sustained by any person or persons by reason of such act or acts, which damages may be recovered by such person or persons in a civil action in any court of competent jurisdiction.

Veterinary surgeon to administer oaths and summon witnesses.

Section 31. Whenever in the exercise of their powers or the discharge of their duties, it shall become necessary or proper for any member of the Livestock Sanitary Board, the State Veterinary Surgeon, or authorized agent, to investigate facts and conditions, they are hereby authorized to administer oaths, take affidavits and compel the attendance and testimony of witnesses.

Livestock Sanitary Board account.

Section 32. There shall be created the Livestock Sanitary Board Account, which, in addition to the Livestock Sanitary Board Fund, shall be used to defray all expenses of the Livestock Sanitary Board created by this Act.

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Report of veterinary surgeon.

Section 33. The State Veterinary Surgeon shall on or before the 31st day of December of each year make a written report to the Livestock Sanitary Board, which report must be transmitted by them to the Governor.

Members of Board immune from liability.

Section 34. No member of the Livestock Sanitary Board, or any officer, agent, or employee of said Board, shall be personally liable or held for any damage resulting from his official acts or decisions in pursuance of this Act, or any rule, regulation or order promulgated under this Act, except it be for his own wilful wrong or gross negligence.

Unconstitutionality of part of Act, effect of.

Section 35. If any clause, sentence, paragraph, or part of this Act shall, for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repealing clause.

Section 36. Sections 1512 to 1558, both inclusive, of the Revised Codes of Montana, 1907, and Sections 1836 to 1853, both inclusive, of the Revised Codes of Montana, 1907, and Chapter 157, Session Laws of 1917, and Chapter 132, Session Laws of 1919, and all Acts or parts of Acts in conflict with this Act are hereby repealed, save, however, the right to prosecute all civil or criminal actions that may have arisen under these provisions, which actions may be prosecuted with like force and effect as if said Acts had not been repealed.

Section 37. This Act shall take effect April 1st, 1921, after its passage by the Legislative Assembly and its approval by the Governor.

Approved March 15, 1921.

CHAPTER 263.

An Act Amending Section 3840 of the Revised Codes of Montana of 1907, and Providing the Proportion of Capital Stock or Number of Members of a Corporation Necessary to Form a Quorum at Stockholders' Meetings: Also Providing for the Qualifications of Stockholders or Members to Vote at Such Meetings and Providing for Adjournments Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3840, Revised Codes.

Section 1. Section 3840 of the Revised Codes of Mon-

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tana of 1907 shall be, and the same is hereby amended to read as follows:

Majority of stock or members to be represented.

"Section 3840. Except as hereinafter provided, at all elections or votes had for any purposes, there must be a majority of the subscribed capital stock or of the members represented either in person or by proxy in writing; provided that any corporation, heretofore organized under any laws of Montana, or that may hereafter be formed under this Chapter, may by its by-laws prescribe the proportion of its subscribed capital stock or of its members, represented in person or by proxy, which shall constitute a quorum at any regular annual meeting of said corporation, held at the time and place prescribed in its by-laws, for the election of directors, and for all votes upon matters properly coming before such annual meeting without special notice thereof. Every person acting therein, in person, or by proxy or representative, must be a member thereof or a bona fide stockholder, having stock in his own name on the stock books of the corporation at least ten (10) days prior to the election. Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of any stockholders or members, and may be set aside by petition to the district court of the county where the same was held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time. If for any reason there is not present a majority, or quorum as hereinbefore provided, of the subscribed stock or members, or no election had, such adjournment and the reasons therefor being recorded in the journal of the proceedings of the board of directors."

By-laws may prescribe proportion for quorum.

Proxy to be held by stockholder.

Meetings voidable, when.

Adjournment.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1921.

CHAPTER 264.

An Act Amending Sections 4413, 4415 and 4416 of the Revised Codes of Montana of 1907, Relating to Foreign Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4413, Revised Codes.

Section 1. That Section 4413 of the Revised Codes of

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Montana of 1907 be and the same is hereby amended to read as follows:

"Section 4413. Foreign corporations must file copy of charter and statement. All foreign corporations or joint stock companies, except foreign insurance companies and corporations otherwise provided for, organized under the laws of any State, or of the United States, or of any foreign government, shall, before doing business within this State, file in the office of the Secretary of State, and in the office of the County Clerk of the county wherein they intend to carry on business, a duly authenticated copy of their charter, or articles of incorporation, and also a statement, verified by oath of the President and Secretary of such corporation, and attested by a majority of its Board of Directors showing:

Foreign corporations to file copy of charter and statement, where.

Statement, contents of.

1. The name of such corporation and the location of its principal office or place of business without this State; and the location of the place of business or principal office within this State.

2. The names and residences of the officers, trustees, or directors.

3. The amount of capital stock.

4. The amount of capital invested in the State of Montana.

Such corporation or joint stock company shall also file, at the same time, and in the same office, a certificate, under the seal of the corporation, and the signature of its President, Vice-President, or other acting head, and its Secretary, if there be one, certifying that the said corporation has consented to all the license laws and other laws of the State of Montana relative to foreign corporations and has consented to be sued in the courts of this State, upon all causes of action arising againsst it in this State, and that service of process may be made upon some person, a citizen of this State, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent shall be valid service on the corporation or company.

Consent to license laws, certiifcate of to be filed.

Consent to service of process.

5. In case of alteration or amendment of the charter or articles of incorporation of any foreign corporation doing business in this State, or of increasing its capital stock, or of continuing its corporate existence, it must within thirty days after the same is adopted by the corporation file a duly authenticated copy of such amendment or alteration or certificate of increase of capital stock, or of continuance of corporate existence in the

Copy of amendment of articles.

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office of the Secretary of State and in the office of the County Clerk of the County where it intends to carry on business; and whenever any such corporation increases its capital stock or continues its corporate existence, it shall pay to the Secretary of State at the time of filing in his office the duly authenticated copy of the certificate thereof, the same fee that is required by law from domestic corporations for filing certificates of increase of capital stock or certificates of corporate existence. Any such corporation failing, neglecting or refusing to file such duly authenticated copies of all alterations, or amendments, of its charter or articles of incorporation, and of all certificates of increase of capital stock or continuance of corporate existence, or refusing to comply with any and all the laws of Montana relating to the payment of fees or licenses, shall forfeit its right to do business in this State and shall be subject to all the penalties, liabilities and restrictions imposed by law upon foreign corporations for doing business in this State without filing duly authenticated copies of their charters, or articles of incorporation, in the manner required by law; provided however, that any foreign corporation now doing business in this State and which has altered or amended its charter or articles of incorporation or increased its capital stock, or continued its corporate existence since first filing a duly authenticated copy of its charter or articles of incorporation with the Secretary of State, and which has not already filed a duly authenticated copy of such alterations, amendments, or certificates of increase or continuance, must within ninety days from and after the passage and approval of this Act comply herewith.

Fee for increase of capital stock.

Failure to comply forfeits right to do business.

Compliance to be made in 90 days.

Section 2. That Section 4415 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Amending Section 4415, Revised Codes.

"Section 4415. Contracts void if made before compliance with act.—If any foreign corporation shall attempt or commence to do business in this State without having first filed said statement, certificate and consent, required by this Act or without complying with any or all of the laws of Montana relating to the payment of fees or licenses no contract made by such corporation, or any agent or agents thereof, during said time shall be enforceable by the corporation until the foregoing provisions have been complied with.

Contracts void unless Act complied with.

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Amending Section 4416, Revised Codes.

Section 3. That Section 4416 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Report to be filed when.

"Section 4416. Every corporation enumerated in Section 4413 of the Revised Codes of 1907 shall annually and within two months from the first day of April of each year, make a report, which shall be in the same form and shall contain the same information as required in the statements mentioned in said Section 4413 and in addition shall contain the following information.

Contents of report.

1. The gross amount of its business in the State of Montana for the preceding year.

2. The amount of money actually expended in transacting its business in the State of Montana for the preceding year.

3. The net profits on its business transacted in Montana for the preceding year.

Report, where filed.

Said report shall be filed in the office of the County Clerk of the County wherein the principal business of such corporation is carried on and the duplicate thereof in the office of Secretary of State.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 18, 1921.

CHAPTER 265.

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds, Secured by the State Capitol Public Buildings Land Grant From the Federal Government to the State of Montana, for the Purpose of Asquiring Additional Lands for Future Use as State Capitol Grounds in the City of Helena, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Examiners to issue bonds for capitol grounds.

Section 1. That the State Board of Examiners of the State of Montana, be and they are hereby authorized to issue and dispose of bonds for the purpose of acquiring lands and lots in the city of Helena, Montana, to be used as part of the State Capitol grounds under the following conditions and restrictions, to-wit:

Amount of bonds.

First. The aggregate amount of bonds authorized by this Act shall not exceed the sum of Fifty Thousand Dollars ($50,000).

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Lien of bonds.

Second. Nothing in this Act shall be construed as to in anywise hold the State of Montana liable for the payment of the bonds herein described, or the interest thereon, except to the lien heretofore created against the lands and funds granted to the State of Montana for the purpose of erecting buildings at the State Capitol, and such liens shall not be abridged or set aside until the bonds authorized by this Act shall have been fully paid, together with the interest thereon, and the governor is hereby especially authorized and empowered to use all lawful means to enforce the provisions of this Act.

Denomination.

Third. The denomination of each bond shall be One Thousand Dollars ($1,000).

Term.

Fourth. The term of said bonds shall not exceed thirty (30) years from their date and they shall be payable at any time after fifteen (15) years from their date, at the option of the State Board of Examiners.

Interest.

Fifth. The bonds may bear any rate of interest not in excess of six per cent (6%) per annum and the interest may be payable semi-annually.

Interest payable where.

Sixth. The principal and interest shall be payable at the office of the State Treasurer at Helena, Montana.

Form of bonds.

Seventh. The State Board of Examiners shall prescribe the form of the bond and the bonds shall bear upon their face the words. "Fourth Issue Capitol Building Bonds of the State of Montana", and shall be signed by the members of the State Board of Examiners and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered at the office of the State Treasurer.

Coupons.

Eighth. The coupons representing the interest on the bonds shall have lithographic facsimile signatures of the members of the State Board of Examiners affixed thereon.

Disposal of bonds.

Section 2. The bonds provided for in this Act shall be disposed of in such manner as they shall deem for the best interests of the state, provided that no bonds shall be disposed of for less than their par value.

Bonds and interest, how paid.

Section 3. The bonds provided for in this Act and the principal and interest of said bonds shall be paid out of the special fund provided for by Section 1240, Revised Codes of Montana of 1907, designated as the "Capitol Building Interest and Sinking Fund," and from said Capitol Building Interest and Sinking Fund there shall, as the same become due and payable, be paid the interest on said bonds; and it is further provided that it is the

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duty of the said Board of Land Commissioners, whenever there are any funds in the Capitol Building Interest and Sinking Fund over and above the sum of Twenty-five Hundred Dollars ($2500), in excess of the amount required to pay the yearly interest on the bonds issued pursuant to Section 1238 of the Revised Codes of Montana of 1907, known as the "Capitol Building Bonds of the State of Montana", and the interest on the bonds provided for by Section 63 of the Session Laws of the Eleventh Legislative Assembly known as the "Second Issue Capitol Building Funds of the State of Montana", to invest such excess funds in the manner set forth and provided in Section 1241 of the Revised Codes of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued pursuant to Chapter 63 of the Session Laws of the Eleventh Legislative Assembly and the bonds issued pursuant to this Act, but all interest or profit derived from the investment shall be paid into the State Capitol Interest and Sinking Fund, and the principal and interest of the bonds issued pursuant to Section 1238, Revised Codes, shall be a first lien upon said funds and the lands granted and belonging to the state for the purpose of erecting buildings of the State Capitol and the principal and interest of the bonds authorized by Chapter 63 of the Session Laws of the Eleventh Legislative Assembly, shall be a second lien upon said funds and lands granted and belonging to the state for the purpose of erecting buildings at the State Capitol, and the principal and interest of the bonds authorized by this Act shall be a third lien upon the said funds and lands granted and belonging to the state.

Excess funds to be invested.

Permanent fund.

Lien upon lands.

Second lien.

Third lien.

Section 4. In the event that the State of Montana shall at any time provide and pay the interest, or any part thereof, of the bonds authorized by this Act from the general funds of the state, or by any special appropriation made, or taxes levied therefor, then for any and all interest so paid the state shall be reimbursed from the said Capitol Building Interest and Sinking Fund by the payment of the amount so paid or due whenever there is sufficient money in said Capitol Building Interest and Sinking Fund to pay the same, after paying the principal and interest due on the bonds issued, pursuant to Chapter 63 of the Session Laws of the Eleventh Legislative Assembly.

State to be reimbursed when.

Section 5. The State Treasurer is hereby designated as the custodian of the funds provided by this Act and he

State Treasurer custodian of funds.

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shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due and charge the amount thereof to the Capitol Building Interest and Sinking Fund, hereinbefore referred to.

Bonds to be paid how.

Section 6. Whenever any bonds authorized by this Act shall become due and payable and there are sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Expense of issuance, how paid.

Section 7. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof.

Warrants may be issued to pay interest, and registered.

Section 8. In the event that at any time there shall not be sufficient money in the Capitol Building Interest and Sinking Fund to pay the interest on the bonds herein provided for when due, the State Board of Examiners shall, by an order entered on their minutes, cause warrants to be issued on the said Capitol Building Interest and Sinking Fund for the amount of interest due and the warrants so issued shall be registered in the office of the State Treasurer and shall bear interest at the rate of five per cent (5%) per annum and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after paying the interest on the bonds issued pursuant to Section 1238 of the Revised Codes, and Chapter 63, Sessions Laws of the Eleventh Legislative Assembly. By reason of the delivery of said warrants to the holders of said bonds and the surrender of the said interest coupons, there shall be no default in the payment of interest.

No default in payment of interest when.

Proceeds from sale of bonds.

Section 9. All moneys received from the sale of the bonds authorized by this Act shall be paid to the State Treasurer and shall constitute a special fund for the purpose of acquiring additional lands to be used as Capitol Grounds and shall be disbursed by the State Treasurer on warrants properly drawn by the State Auditor, pursuant to the order of the State Board of Examiners.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1921.

CHAPTER 266.

An Act Requiring Every Person, Firm, Co-partnership, Association, Joint-Stock Company, Syndicate and Cor-

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poration Engaged in or Carrying on the Business of Producing Within This State Petroleum or Other Mineral or Crude Oil, or Engaged in or Carrying on the Business of Owning, Controlling, Managing, Leasing or Operating Within This State Any Well or Wells from Which Petroleum or Other Mineral or Crude Oil Is Produced, to Pay to the State Treasurer for Engaging in and Carrying on Such Business, Certain License Fees for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Fees; Prescribing a Method for the Assessment and Collection Thereof; and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person" definition.

Section 1. The term "person", as used in this Act, shall mean and include any individual, firm, co-partnership, and every corporation, joint-stock company, syndicate and association.

1% tax on gross value of oil to be paid when.

Section 2. Every person engaging in or carrying on the business of producing, within this state, petroleum, or other mineral or crude oil, or engaging in or carrying on the business of owning, controlling, managing, leasing or operating, within this state, any well or wells from which any merchantable or marketable petroleum or other mineral or crude oil is extracted or produced, sufficient in quantity to justify the marketing of the same, must, for the year 1921, and each year thereafter, when engaged in or carrying on any such business in this state, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, license tax for engaging in and carrying on such business, in an amount equal to one per centum (1%) of the total gross value of all petroleum and other mineral or crude oil produced by such person within this state during such year; but in determining the amount of such tax there shall be excluded from consideration all petroleum, or other crude or mineral oil produced and used by such person during such year in connection with his operations in prospecting for, developing and producing such petroleum, crude or mineral oil; provided, however, that nothing in this Act shall be construed as requiring laborers or employes, hired or employed by any person, to drill any oil well, or to work in or about any oil well, or prospect or explore for, or do any work for the purpose of developing

1921 and each year thereafter.

Oil used in operations excluded.

Employees and others exempted.

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Development work excluded.

any petroleum or other mineral or crude oil to pay such license tax, nor shall any work done, or the drilling of any well or wells, for the purpose of prospecting or exploring for petroleum or other mineral or crude oils, or for the purpose of developing same, be deemed to be engaging in or carrying on of any such business; provided, further, that in the doing of any such work, or in the drilling of any oil well, or in such prospecting, exploring or development work, any merchantable or marketable petroleum or other mineral or crude oil in excess of the quantity required by such person for carrying on such operation shall be produced sufficient in quantity to justify the marketing of the same, then such work, drilling, prospecting, exploring or development work shall be deemed to be the engaging in and carrying on of such business within this state within the meaning of this section.

What production deemed conducting business.

License tax paid in quarterly installments when.

Section 3. Such license tax shall be paid in quarterly installments for the quarters ending, respectively, March 31st, June 30th, September 30th, and December 31st in each year, beginning with the quarter ending March 31st, 1921, and the amount of the license tax for each such quarter shall be paid to the State Treasurer within thirty (30) days after the end of each such quarter.

Gross value of oil, how determined.

Section 4. The total gross value of all petroleum and other mineral and crude oil produced each year shall be determined by taking the total number of barrels thereof produced each month during each year at the average market value thereof during the month the same is produced; provided, however, that in computing the total number of barrels of petroleum and other mineral and crude oil produced, there shall be deducted therefrom so much thereof as is used by such person in connection with the operation of the well from which said oil is produced, or for pumping said petroleum, mineral and crude oil from the said well to a tank or pipe line.

Oil used in operation to be deducted.

Statement to be filed with Board of Equalization.

Section 5. Each and every person engaged in such business in the State of Montana at the date when this Act becomes effective, must, not later than the thirtieth day of April, 1921, and every person who shall engage in such business at any time after the date when this Act becomes effective, must, immediately upon engaging in such business, file with the State Board of Equalization, a certificate and statement, on forms prescribed by the State Board of Equalization, which shall contain the

Contents of.

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name under which such person is engaging in and carrying on such business in this state, giving the place or places of business and location of the well or wells owned, leased, controlled or operated by such person; the name and address of the managing agent in this state, if an association, corporation, joint-stock company or syndicate, or if a firm or co-partnership, the names and addresses of the persons composing the same; if an association, joint-stock company, corporation or syndicate under the laws of what state organized, its principal place of business, and the names and addresses of its principal officers; and such oither information as the board may deem necessary.

Record of oil produced.

Section 6. Every such person shall keep a record in such form as the State Board of Equalization may require, of all petroleum and other mineral or crude oil extracted or produced by such person in this state, and such records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents or employes.

Quarterly statements when to be made.

Section 7. Each and every such person must, within thirty (30) days after the quarter ending March 31st, 1921, and within thirty (30) days after the end of each following quarter, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of barrels of merchantable or marketable petroleum, and other mineral or crude oil produced or extracted by such person in the State of Montana during each month of such quarter and during the whole quarter, the average market value thereof during each month and the total value thereof for the whole quarter, together with the total amount due to the State as license taxes for such quarter; and must, within such thirty (30) days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer, the amount of the license taxes shown by such statement to be due to the State of Montana for the quarter for which such statement is made. Such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice-president, treasurer, assistant treasurer, or managing agent in this state of the association, corporation, joint-stock company or syndicate making the same. Any such person engaged in carrying on such business at more than one place in this state, or owning, leasing, controlling or

Contents of.

Payment of license tax, when.

Verification of statement.

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operating more than one oil well in this state, may include all thereof in one statement. The State Treasurer shall file one copy of such statement in his office and deliver the other copy thereof to the State Board of Equalization.

Copies, where filed.

Unlawful to fail to file statement.

Section 8. It shall be unlawful for any such person to fail, neglect or refuse to file any statement or certificate required by this Act in the manner or within the time herein required, or to make such statement false in any particular.

State Board to determine license tax when.

Section 9. If any such person shall fail, neglect or refuse to file any statement required by Section 7 of this Act, within the time therein required, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself, as best it may, regarding the number of barrels of petroleum and other mineral or crude oil extracted and produced by such person in this state during such quarter, and during each month thereof, and the average market value thereof during each such month, and shall determine and fix the amount of the license taxes due to the state from such person for such quarter, and shall make out a statement, in duplicate, showing the same, and shall add to the amount of such license taxes a penalty of twenty-five per cent (25%) thereof, and deliver one of such statements to the State Treasurer, who shall proceed to collect the amount of such license taxes, with the penalty added thereto and interest on the whole thereof at the rate of twelve per cent (12%) per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State Treasurer, it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction, an action at law to collect the same. No action shall be maintained by such person to review, revise or change the statement so made by the State Board of Equalization in any particular whatever, or to enjoin the collection of the license tax, or any part thereof, and such person shall have no right to pay such license tax, or any part thereof, under protest and maintain any action to recover the same.

Penalty to be added.

Attorney General to collect taxes when.

What actions cannot be maintained.

License taxes deposited in general fund.

Section 10. All license taxes collected under the provisions of this Act shall be deposited to the credit of the general fund of the State.

Penalty for violation of Act.

Section 11. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be

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punished by a fine of not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment.

License tax to be in addition to all other taxes.

Section 12. The license taxes herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1921.

CHAPTER 267.

An Act Providing That a Physician, as Herein Defined, to Whom Has Been Granted a Permit to Use, Prescribe, Dispose of, Purchase, Sell or Obtain Intoxicating Liquors for Medicinal Purposes under the Terms and Provisions of an Act of Congress Enacted into Law on the 28th Day of October, 1919, Entitled 'An Act to Prohibit Intoxicating Beverages, and to Regulate the Manufacture, Production, Use and Sale of High-Proof Spirits for Other than Beverage Purposes, and to Insure an Ample Supply of Alcohol and Promote Its Use in Scientific Research and in the Development of Fuel, Dye, and Other Lawful Industries,' May Lawfully Use, Prescribe, Dispose of, Purchase, Sell or Obtain Intoxicating Liquors for Medicinal Purposes Only as in Said Permit Provided; and Providing That Any Person to Whom Has Been Granted a Permit to Sell or Dispose of Intoxicating Liquors for Medicinal Purposes under the Terms and Provisions of Said Act of Congress, May Lawfully Sell, Dispose of, Transport or Import Intoxicating Liquors for Medicinal Purposes; Providing That Nothing Herein Contained Will Compel Any Retail Druggist or Pharmacist to Handle Whiskey, Rum, Brandy, Ale, Beer, Wine or Any Compound Thereof Capable of Use as a Beverage; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person", definition.

Section 1. The term "person" as used in this Act shall mean and include any individual, firm, co-partnership and every corporation, joint stock company and association.

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"Physician," definition.

Section 2. The word "physician" as used in this Act shall mean and include a person to whom has been duly and regularly issued a certificate by the Board of Medical Examiners of the State of Montana permitting said person to practice medicine or surgery within the State of Montana.

Physicians may prescribe liquors for medicinal purposes, when.

Section 3. Any physician to whom has been issued a permit to use, prescribe, dispose of, purchase, sell or obtain intoxicating liquors for medicinal purposes under the terms and provisions of an Act of the 66th Congress, enacted into law on the 28th day of October, 1919, entitled "An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," may lawfully use, prescribe, dispose of, purchase, sell or obtain intoxicating liquors for medicinal purposes, as provided for in said permit.

Physicians may deal in liquors, when.

Section 4. Any person to whom has been issued a permit to sell or dispose of intoxicating liquors for medicinal purposes under the terms and provisions of an Act of the 66th Congress enacted into law on the 28th day of October, 1919, entitled, "An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," may lawfully sell, dispose of, transport or import intoxicating liquors for medicinal purposes as provided for in said permit, providing that nothing herein contained will compel any retail druggist or pharmacist to handle whiskey, rum, brandy, ale, beer, wine, or any compound thereof capable of use as a beverage.

Druggist cannot be compelled to handle liquor.

Penalties for violation of Act and of federal Act.

Section 5. Any person violating the provisions of this Act, or the terms and provisions of an Act of the 66th Congress, enacted October 28, 1919, entitled: "An Act to Prohibit Intoxicating Beverages, and to Regulate the Manufacture, Production, Use and Sale of High Proof Spirits for Other Than Beverage Purposes, and to Insure an Ample Supply of Alcohol and Promote Its Use in Scientific Research and in the Development of Fuel, Dye and Other Lawful Industries" shall, upon conviction

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thereof, be fined for a first offense in a sum not more than Five Hundred Dollars; for a second offense not less than One Hundred nor more than One Thousand Dollars, and in addition to have his license to practice revoked, in the case of a physician, or to have his license to do business revoked in the case of a druggist. Second offense.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1921.

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APPROPRIATIONS

MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Seventeenth Legislative Assembly

STATE OF MONTANA

1921

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HOUSE BILL NO. 1.

An Act to Appropriate Money for the Incidental Expenses of the Seventeenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifteen Thousand Dollars ($15,000), or so much thereof as may be necessary, be, and the same is hereby appropriated, out of the money in the State Treasury, not otherwise appropriated, to pay the incidental expenses of the Seventeenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 12, 1921.

HOUSE BILL NO. 2.

An Act to Appropriate Money for the Payment of the Per Diem of the Officers and Attaches of the Seventeenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty-five Thousand Dollars ($55,000), or so much thereof as may be necessary be, and the same is hereby appropriated, out of the money in the State Treasury, not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Seventeenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 12, 1921.

HOUSE BILL NO. 3.

An Act to Appropriate Money for the Payment of Mileage and Per Diem of the Members of the Seventeenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred and Ten Thousand Dollars ($110,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, for the payment of the mileage and per diem of the members of the Seventeenth Legislative Assembly of the State of Montana.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 12, 1921.

HOUSE BILL NO. 38.

An Act Appropriating Money for the Mileage and Per Diem of Presidential Electors Elected at the General Election November 2, 1920, from Their Respective Residences to Helena, Montana, January 10, 1921, and Return.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed:

To mileage and per diem for four (4) Presidential electors elected at the general election November 2, 1920, from their respective residences to Helena, Montana, January 10, 1921, and return.....$200.00

Section 2. This Act to be in full force and effect from and after its passage and approval.

Approved February 21, 1921.

HOUSE BILL NO. 39.

An Act Appropriating Money for the Maintenance of the Offices of Attorney General, Secretary of State, State Auditor, State Treasurer and Superintendent of Public Instruction for the Months of January and February, 1921; Also for a Deficit in the Offices of the Attorney General for the Year 1920 in the Sum of $226.84.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and benefits hereinafter expressed, for the period commencing January 1, 1921, and ending February 28, 1921:

Office of the Secretary of State:

Salary of the Secretary of State for months of January and February, 1921 .....$ 200.00

Office of Attorney General:

Office expenses for the months of January and February, 1921, including deficit of $226.84 for the year 1920 ..... 1,500.00

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Office of State Treasurer:
Salary of State Treasurer for months of January and February, 1921 ..... 200.00
Office of State Auditor:
Salary of State Auditor for months of January and February, 1921 ..... 100.00
Office of Superintendent of Public Instruction:
Salary of Superintendent of Public Instruction for months of January and February, 1921 ..... 100.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 4, 1921.

HOUSE BILL NO. 52.

An Act Appropriating Money to Pay the Salary of Chas. A. Taylor, as Judge of the Thirteenth Judicial District Court, from September 1st, 1920, to December 11th, 1920.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand One Hundred Eleven and 11/100 Dollars, ($1,111.11), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the salary of Chas.. A. Taylor as Judge of the District Court of the Thirteenth Judicial District Court of the State of Montana from September 1st, 1920, to December 11th, 1920.

Section 2. The State Auditor is hereby authorized and directed to draw a warrant in favor of Chas. A. Taylor for the amount specified in Section One of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

This bill having remained with the Governor five days (Sundays excepted), and the Legislative Assembly being in session, it has become a law this eleventh day of February, A. D. 1921.

HOUSE BILL NO. 124.

An Act to Make a Contingent Appropriation to Provide for the Payment of a Judgment Recovered Against Charles T. Stewart, as Secretary of State, of the State of Montana, by the J. I. Case Threshing Machine Company, a Corporation, in an Action to Recover Foreign Corporation Fees Paid to the State of Montana Under Protest.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand Five Hundred Dollars ($4,500.00) or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay off and discharge a judgment recovered in an action in the District Court of the First Judicial District of the State of Montana against Charles T. Stewart, as Secretary of State, of the State of Montana, wherein J. I. Case Threshing Machine Company, a corporation, is plaintiff, and Charles T. Stewart, as Secretary of State, of the State of Montana, is defendant, brought for the purpose of recovering from the State of Montana the sum of Three Thousand Six Hundred Eighty-five and No/100 Dollars ($3,685.00), with interest at the rate of eight per cent per annum from the 23rd day of July, 1919, foreign corporation fees, paid under written protest by said J. I. Case Threshing Machine Company, and which case is now pending in the Supreme Court of the State of Montana, on appeal by said Charles T. Stewart, as Secretary of State, of the State of Montana, from the judgment rendered in the said District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark.

Section 2. That, in case the Supreme Court of the State of Montana sustains the said District Court, the said J. I. Case Threshing Machine Company, a corporation, shall present its claim on said judgment, properly verified, to the State Board of Examiners for allowance, and upon the approval of the same by the said Board, it shall be the duty of the State Auditor to draw his warrant therefor, and upon the presentation thereof to the State Treasurer, he shall pay the same out of the funds hereby appropriated therefor.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 16, 1921.

HOUSE BILL NO. 160.

An Act Appropriating Money to Pay the Claim of the Kalispell Armory Association, a Montana Corporation, for an Indebtedness Incurred by Montana National Guards for Rent of Armory Building.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Hundred Forty-two Dollars, ($842.00) is hereby appropriated out of any fund in the State Treasury, not otherwise appropriated, to pay rents due from Montana National Guards to the Kalispell Armory Association of Kalis-

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pell, Montana, a Montana corporation, from February, 1913, to April thirtieth, 1917.

Section 2. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1921.

HOUSE BILL NO. 171.

An Act Appropriating Money for the Maintenance of Certain of the Executive Departments and the Judicial Department of the State of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921, and ending June 30, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually incurred during said four months' period, and that any balance or balances of said appropriations not so used shall revert to the respective funds from which they are hereby made.

EXECUTIVE DEPARTMENT.

Office of Governor.

For requisitions, One Thousand Six Hundred and Fifty Dollars	$ 1,650.00
For rewards, Six Hundred Dollars	600.00
For operation and maintenance of the Governor's mansion, One Thousand Three Hundred and Eight Dollars	1,308.00
For all salaries and other expenses of the Governor's office, Six Thousand Five Hundred and Sixty-Five Dollars	6,565.00

Office of Secretary of State.

For the administration of the Motor Vehicle laws, to be paid from the Motor Vehicle Administrative Fund, Thirty-Four Thousand, One Hundred and Ten Dollars	34,110.00
For the administration of the Oil Inspection Laws, to be paid from the Oil Inspection Fund, Two Thousand, Eight Hundred and Eleven Dollars	2,811.00
For all other salaries and expenses of the office of the Secretary of State, Three Thousand, Eight Hundred and Seventy Dollars	3,870.00

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Office of Attorney General.

For all salaries and expenses of the office of the Attorney General, Nine Thousand, Six Hundred and Twenty Dollars 9,620.00

Office of State Treasurer.

For all salaries and expenses of the office of the State Treasurer, Eight Thousand, Six Hundred and Eighty-Five Dollars 8,685.00

Office of State Auditor.

For all salaries and expenses of the office of the State Auditor, Thirteen Thousand, Two Hundred and Forty-Two Dollars 13,242.00

Office of Superintendent of Public Instruction.

For salaries and expenses of the Board of Educational Examiners, to be paid from the Teachers' State Certificate Fund, Two Thousand, Eight Hundred and Sixty-Seven Dollars 2,867.00

For Vocational Education, To Be Paid From Vocational Education.

United States Aid Fund, Twenty-One Thousand, Five Hundred Dollars 21,500.00

For all other salaries and expenses of the office of Superintendent of Public Instruction, Twenty-Two Thousand, Six Hundred Eight-Eight Dollars..... 22,688.00

JUDICIAL DEPARTMENT.

For all expenses of the Attorneys' Examining Board, to be paid from the Attorneys' License Fund, One Thousand and Ninety-Five Dollars 1,095.00

For salaries and expenses of the Code Commission, Six Thousand, Two Hundred and Ten Dollars 6,210.00

For all other salaries and expenses of the Supreme Court, Sixteen Thousand, Eight Hundred and Fifteen Dollars.. 16,815.00

Section 2. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 172.

An Act Appropriating Money for the Maintenance of Certain of the Executive Departments and the Judicial Department of the State of Montana for Two Years, Beginning July 1, 1921, and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

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moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1921, and ending June 30, 1922:

EXECUTIVE DEPARTMENT.

Office of Governor.

For requisitions, Five Thousand Dollars	$ 5,000.00
For rewards, Two Thousand Dollars	2,000.00
For operation and maintenance of the Governor's Mansion, Five Thousand Four Hundred and Seventy-Five Dollars	5,475.00
For all salaries and expenses of the Governor's Office, Twenty-two Thousand Five Hundred and Ten Dollars	22,510.00

Office of Secretary of State.

For the administration of the Motor Vehicle Laws, to be paid from the Motor Vehicle Administrative Fund, Forty-two Thousand Nine Hundred Dollars	42,900.00
For the Administration of the Oil Inspection Laws, to be paid from the Oil Inspection Fund, Eight Thousand Nine Hundred and Thirty-five Dollars	8,935.00
For all other salaries and expenses of the Office of the Secretary of State, Twelve Thousand Three Hundred and Forty Dollars	12,340.00

Office of Attorney General.

For all salaries and expenses of the Office of the Attorney General, Twenty-nine Thousand Six Hundred and Thirty-five Dollars	29,635.00

Office of State Treasurer.

For all salaries and expenses of the Office of State Treasurer, Twenty-six Thousand Two Hundred and Ninety-five Dollars	26,295.00

Office of State Auditor.

For distribution of Firemen's Disability Allowance, Thirty Thousand Dollars	30,000.00
For all salaries and expenses of the Office of the State Auditor, Forty-five Thousand Six Hundred and Sixty-five Dollars	45,665.00

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Office of Superintendent of Public Instruction.

For salaries and expenses of the Board of Educational Examiners, to be paid from the Teacher's State Certificate Fund, Eight Thousand Five Hundred Dollars..... 8,500.00

For Vocational Education, to be paid from Vocational Education U. S. Aid Fund, Twenty-five Thousand Five Hundred Dollars 25,500.00

For all other salaries and expenses of the Office of the Superintendent of Public Instruction, including Vocational Education, Seventy-seven Thousand Two Hundred Fifty Dollars 77,250.00

JUDICIAL DEPARTMENT.

Supreme Court.

For all expenses of the Attorney's Examining Board, to be paid from the Attorney's License Fund, Three Thousand Three Hundred Dollars 3,300.00

For all salaries and expenses of the Code Commission, including Printing, binding and publishing the Revised Codes, Eighteen Thousand Six Hundred and Twenty-five Dollars 18,625.00

For all other salaries and expenses of the Supreme Court, Fifty-one Thousand Five Hundred and Sixty Dollars..... 51,560.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter specified, for the year beginning July 1, 1922, and ending June 30, 1923; provided, that should this Act or any part thereof be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section 2 hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of said Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation:

EXECUTIVE DEPARTMENT.

Office of Governor.

For requisitions, Five Thousand Dollars.....$ 5,000.00

For rewards, Two Thousand Dollars 2,000.00

For operation and maintenance of the Governor's Mansion, Five Thousand Four Hundred and Seventy-five Dollars 5,475.00

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For all salaries and expenses of the Governor's Office, Twenty-two Thousand One Hundred and Ten Dollars.. 22,110.00

Office of Secretary of State.

For the administration of the Motor Vehicle Laws, to be paid from the Motor Vehicle Administration Fund, Forty-six Thousand Five Hundred and Fifty Dollars.... 46,550.00

For the administration of the Oil Inspection Laws, to be paid from the Oil Inspection Fund, Eight Thousand Nine Hundred and Thirty-five Dollars 8,935.00

For all other salaries and expenses of the Office of Secretary of State, Fifty-one Thousand Five Hundred and Fifty-five Dollars 51,555.00

Office of Attorney General.

For all salaries and expenses of the Office of the Attorney General, Thirty Thousand Five Hundred and Thirty-five Dollars 30,535.00

Office of State Treasurer.

For all salaries and expenses of the Office of the State Treasurer, Twenty-six Thousand Two Hundred and Ninety-five Dollars 26,295.00

Office of State Auditor.

For distribution of Firemen's Disability Allowance, Thirty-five Thousand Dollars 35,000.00

For all salaries and expenses of the Office of the State Auditor, Forty-six Thousand Two Hundred and Fifty Dollars 46,250.00

Office of Superintendent of Public Instruction.

For salaries and expenses of the Board of Educational Examiners, to be paid from the Teachers' State Certificate Fund, Eight Thousand Eight Hundred Dollars..... 8,800.00

For Vocational Education, to be paid from Vocational Education U. S. Aid Fund, Twenty-five Thousand Five Hundred Dollars 25,500.00

For all other salaries and expenses of the Office of the Superintendent of Public Instruction, including Vocational Education, Seventy-nine Thousand Seven Hundred Fifty Dollars 79,750.00

JUDICIAL DEPARTMENT.

Supreme Court.

For all expenses of the Attorney's Examining Board, to be paid from the Attorney's License Fund, Three Thousand Three Hundred Dollars 3,300.00

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To complete the printing and publishing of the Revised Codes Seventeen Thousand Five Hundred Dollars..... 17,500.00

For all other salaries and expenses of the Supreme Court Fifty Thousand Five Hundred and Thirty-five Dollars 50,535.00

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 176.

An Act Appropriating Money for the Use of the Montana Tuberculosis Sanitarium for the Period Beginning March 1st, 1921, and Ending June 30th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the four months beginning March 1st, 1921, and ending June 30th, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries and expenses falling due during said four months' period, and that any balance or balances of said appropriations not so used shall revert to the funds from which they are hereby made:

For the completion and furnishings of buildings now in process of completion at the Tuberculosis Sanitarium, Ten Thousand Dollars ($10,000.00);

For salaries and expenses of operation, Twenty-two Thousand Four Hundred and Sixty-nine Dollars ($22.469.00);

Section 2. This Act shall be in full force and effect from and after March 1st, 1921.

Approved February 26, 1921.

HOUSE BILL NO. 184.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the State Board of Horticulture for the Year Ending February 28, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Three Hundred Thirty-eight and fifty-three one-hundredths Dollars ($1,338.53), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims

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arising out of the operation of the State Board of Horticulture for the year ending February 28, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1921.

HOUSE BILL NO. 185.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of Montana State Hospital for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred Fifty-two Thousand, One Hundred Eighty-One and Eighty-four one-hundredths Dollars ($252,181.84), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the Montana State Hospital for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

HOUSE BILL NO. 186.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Montana Prison for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Thirty-Six Thousand, Eight Hundred Twenty-Three Dollars and Fifty-Eight Cents ($136,823.58), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the Montana State Prison for the year ending February 28th, 1921.

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Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

HOUSE BILL NO. 187.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Somers Fish Hatchery for the Year Ending February 28, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Hundred Twenty-five Dollars ($825.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the Fish and Game Fund, of the State of Montana, not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the Somers Fish Hatchery for the year ending February 28, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1921.

HOUSE BILL NO. 188.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of Corporation Income Tax Refunds for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Six Hundred Forty and forty-two one-hundredths Dollars ($1,640.42), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of deficiency claims arising out of corporation income tax refunds for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1921.

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HOUSE BILL NO. 190.

An Act Appropriating Money for the Payment of Deficiency Claims for Requisitions for Prisoners for the Year Ending February 28, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Sum of Four Thousand One Hundred Fifteen and fifteen one-hundredths Dollars ($4,115.15), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying deficiency claims for requisitions for prisoners for the year ending February 28, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1921.

HOUSE BILL NO. 209.

An Act Appropriating the Sum of Two Thousand Eight Hundred Ninety-nine Dollars and Sixty-one Cents ($2,899.61), out of Any Moneys in the State Treasury, Not Otherwise Appropriated, to Compensate the Deer Lodge Valley Farms Company for Expenditures Incurred in Connection with the Irrigation Works Constructed for the Use and Benefit of the Montana State Tuberculosis Sanitarium.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of Two Thousand Eight Hundred Ninety-nine Dollars and Sixty-one Cents ($2,899.61), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to be paid to the Deer Lodge Valley Farms Company to cover expenses incurred in the construction of certain irrigation works in behalf of the Montana State Tuberculosis Sanitarium, in accordance with an agreement entered into with the State Board of Examiners.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

HOUSE BILL NO. 211.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Montana State Fair for the Year Ending February 28th, 1921.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Thousand One Hundred Twenty-three Dollars and Nineteen Cents ($20,123.19), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the Montana State Fair for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

HOUSE BILL NO. 252.

An Act to Appropriate Money for the Payment for Printing and Binding the Reports and Opinions of the Attorney General for the Year Beginning December 1st, 1918, and Ending November 30th, 1920.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Seven Hundred Eighty and 54/100 Dollars ($2,780.54) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay for printing and binding the reports and opinions of the Attorney General for the year beginning December 1st, 1918, and ending November 30th, 1920.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 270.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1921, and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1921, and ending June 30, 1922:

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Board of Railroad Commissioners.

For the payment of all salaries and expenses of the Montana Railroad Commission, Thirty-eight Thousand One Hundred and Fifty Dollars $38,150.00

For the payment of all salaries and expenses of the Montana Public Service Commission, Fourteen Thousand Six Hundred and Ten Dollars 14,610.00

For the payment of all salaries and expenses of the Montana Trade Commission in control of public mills, Four Thousand Two Hundred and Ninety-five Dollars 4,295.00

For the payment of all salaries and expenses of the Montana Irrigation Commission, Nineteen Thousand Two Hundred and Fifty Dollars 19,250.00

State Board of Entomology.

For the payment of all salaries and expenses of the State Board of Entomology, Nine Thousand Six Hundred Dollars 9,600.00

State Board of Health of Montana.

For the preparation and distribution of antitoxine, vaccines and serums for use in epidemics and for the care of the indigent sick, One Thousand Five Hundred Dollars 1,500.00

As an emergency appropriation for the suppression and prevention of communicable diseases and for use in epidemics, Two Thousand Five Hundred Dollars 2,500.00

For the payment of all other salaries and expenses of the State Board of Health, Fifty-three Thousand Seven Hundred and Forty Dollars 53,740.00

State Examiner.

For the payment of all salaries and expenses of the office of State Examiner, Forty-six Thousand Six Hundred and Eighty-five Dollars 46,685.00

Adjutant General.

For the payment of all salaries and expenses of the office of the Adjutant General, Five Thousand, Seven Hundred and Ten Dollars 5,710.00

For the maintenance of the State Armory, Two Thousand Nine Hundred and Sixty-six Dollars 2,966.00

For the maintenance of the National Guard of Montana, Thirteen Thousand Six Hundred and Twenty Dollars 13,620.00

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State Board of Hail Insurance.

For the payment of losses and interest upon registered Hail Insurance warrants, to be paid from the Hail Insurance Fund, as much as may be required .....

For the payment of all salaries and administrative expenses, of the State Board of Hail Insurance, to be paid from the Hail Insurance Administrative Fund, Twenty-two Thousand Three Hundred and Eighty-five Dollars 22,385.00

Industrial Accident Board.

For the payment of compensation, to be paid from the Industrial Accident Fund or the Industrial Reserve Fund for investment in securities specified in Chapter 96, Session Laws of 1913, as amended, as much as may be required .....

For the payment of salaries and expenses of the Industrial Accident Board, Twenty-three Thousand, One Hundred Forty-six Dollars 23,146.00

For the payment of salaries and other expenses of the Industrial Accident Board to be paid from the Industrial Accident Fund, Thirty Thousand Dollars 30,000.00

State Board of Education.

For the payment of all expenses of the State Board of Education, One Thousand Dollars 1,000.00

State Entomologist.

For the payment of all salaries and expenses of the office of State Entomologist, Three Thousand Nine Hundred and Forty-five Dollars 3,945.00

State Law Library.

For the purchase of books, to be paid from the Law Library Book Fund, Three Thousand Dollars 3,000.00

For the payment of all salaries and other expenses of the State Law Library, Seven Thousand One Hundred and Sixty Dollars 7,160.00

State Historical and Miscellaneous Library.

For the payment of all salaries and expenses of the State Historical and Miscellaneous Library, Five Thousand Thirty Seven Dollars 5,037.00

State Board of Examiners.

For the compilation and publication of the State Budget, Six Thousand Eight Hundred and Twenty-five Dollars 6,825.00

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For the establishment of a Revolving Appropriation to be used for the purchase of postage stamps and other office supplies for the use of the State Government, Five Thousand Dollars 5,000.00

For the payment of all other salaries and expenses of the office of the State Board of Examiners, Ten Thousand Two Hundred Dollars 10,200.00

State Engineer.

For the payment of all salaries and expenses of the Carey Land Act Board, to be paid from the Carey Land Act Board Fund, Three Thousand and Ninety-seven Dollars and fifty cents 3,097.50

For the payment of all other salaries and expenses of the office of State Engineer, Thirteen Thousand Eight Hundred and Fifty-two dollars and fifty cents 13,852.50

State Board of Charities and Reforms.

For the payment of all expenses of the State Board of Charities and Reforms, Five Hundred Dollars 500.00

Capitol Building.

For the operating expenses, capital expenditures and repairs and replacements in and about the Capitou Building, Sixty-nine Thousand Four Hundred and Sixty-four Dollars 69,464.00

G. A. R. Custodian.

For the payment of all salaries and expenses of the office of the G. A. R. Custodian, One Thousand Two Hundred Dollars 1,200.00

Veterans' Welfare Commission.

For the payment of all salaries and expenses of the Veterans' Welfare Commission, including the support, maintenance and entertainment of Soldiers, Sailors and Marines, to be paid from the Veterans' Welfare Commission Fund, Sixty-nine Thousand Seven Hundred and Forty-five Dollars 69,745.00

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter specified, for the year beginning July 1, 1922 and ending June 30, 1923.

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Board of Railroad Commissioners.

For the payment of all salaries and expenses of the Montana Railroad Commission, Thirty-three Thousand Four Hundred Dollars 33,400.00

For the payment of all salaries and expenses of the Montana Public Service Commission, Fourteen Thousand Six Hundred and Ten Dollars 14,610.00

For the payment of all salaries and expenses of the Montana Trade Commission in control of public mills, Four Thousand Two Hundred and Ninety-five Dollars 4,295.00

For the payment of all salaries and expenses of the Montana Irrigation Commission, Nineteen Thousand Two Hundred and Fifty Dollars 19,250.00

State Board of Entomology.

For the payment of all salaries and expenses of the State Board of Entomology, Nine Thousand Six Hundred Dollars 9,600.00

State Board of Health of Montana.

For the preparation and distribution of antitoxins, vaccines and serums for use in epidemics and for the care of the indigent sick, One Thousand Five Hundred Dollars 1,500.00

As an emergency appropriation for the suppression and prevention of communicable diseases and for use in epidemics. Two Thousand Five Hundred Dollars 2,500.00

For the payment of all other salaries and expenses of the State Board of Health, Fifty Three Thousand, Seven Hundred Forty Dollars 53,740.00

State Examiner.

For the payment of all salaries and expenses of the office of State Examiner, Forty-six Thousand Six Hundred Eighty-five Dollars 46,685.00

Adjutant General.

For the payment of all salaries and expenses of the office of the Adjutant General, Five Thousand Five Hundred and Fifty Dollars 5,550.00

For the maintenance of the State Armory, Two Thousand Nine Hundred and Sixty-six Dollars 2,966.00

For the Maintenance of the National Guard of Montana, Thirteen Thousand Six Hundred and Twenty Dollars 13,620.00

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State Board of Hail Insurance.

For the payment of losses and interest upon registered Hail Insurance Warrants, to be paid from the Hail Insurance Fund, as much as may be required .....

For the payment of all salaries and administrative expenses of the State Board of Hail Insurance, to be paid from Hail Insurance Administrative Fund, Twenty-two Thousand, Three Hundred and Eighty-five Dollars 22,385.00

Industrial Accident Board.

For the payment of compensation, to be paid from the Industrial Accident Fund or the Industrial Reserve Fund for investment in securities specified in Chapter 96, Session Laws of 1915, as amended, as much as may be required .....

For the payment of salaries and expenses of the Industrial Accident Board, Twenty-three Thousand One Hundred dred and Forty-six Dollars 23,146.00

For the payment of salaries and other expenses of the Industrial Accident Board, to be paid from the Industrial Administrative Fund, Thirty Thousand Dollars 30,000.00

State Board of Education.

For the payment of all expenses of the State Board of Education, One Thousand Dollars 1,000.00

State Entomologist.

For the payment of all salaries and expenses of the office of State Entomologist, Three Thousand and Nine Hundred and Sixty Dollars 3,960.00

State Text Book Commission.

For all expenses of the State Text Book Commission, Nine Hundred and Five Dollars 905.00

State Law Library.

For the purchase of books, to be paid from the Law Library Book Fund, Three Thousand Dollars 3,000.00

For the payment of all salaries and other expenses of the State Law Library, Four Thousand Six Hundred and Sixty Dollars 4,660.00

State Historical and Miscellaneous Library.

For the payment of all salaries and expenses of the State Historical and Miscellaneous Library, Six Thousand Two Hundred and Twenty-eight Dollars 6,228.00

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State Board of Examiners.

For the compilation and publication of the State Budget, Eight Thousand One Hundred and Ninety-five Dollars 8,195.00

For the payment of all other salaries and expenses of the office of the State Board of Examiners, Ten Thousand Dollars 10,000.00

State Engineer.

For the payment of all salaries and expenses of the Carey Land Act Board, to be paid from the Carey Land Act Board Fund, Three Thousand and Ninety-seven Dollars and fifty cents 3,097.50

For the payment of all other salaries and expenses of the office of State Engineer, Thirteen Thousand Eight Hundred and Fifty-two Dollars and fifty cents 13,852.50

State Board of Charities and Reform.

For the payment of all expenses of the State Board of Charities and Reforms, Five Hundred Dollars 500.00

Capitol Building.

For the operating expenses, capital expenditures and repairs and replacements in and about the Capitol Building, Forty-nine Thousand Four Hundred and Sixty-four Dollars 49,464.00

G. A. R. Custodian.

For the payment of all salaries and expenses of the office of the G. A. R. Custodian, One Thousand Two Hundred Dollars 1,200.00

Veterans' Welfare Commission.

For the payment of all salaries and expenses of the Veterans' Welfare Commission, including the support, maintenance and entertainment of Soldiers, Sailors and Marines, to be paid from the Veterans' Welfare Commission Fund, Thirty-three Thousand Eight Hundred and Forty-five Dollars 33,845.00

Provided, that should this Act or any part thereof be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared to be the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section 2 hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of said Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and

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shall not affect any other part or portion of said appropriation.

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 271.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the four (4) months beginning March 1, 1921, and ending June 30, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accruing during said four (4) months period, and that any balance or balances of said appropriations not so used shall revert to the respective funds from which they are hereby made.

Board of Railroad Commissioners.

For the Payment of all salaries and expenses of the Montana Railroad Commission, Twelve Thousand Two Hundred and Sixty-two Dollars $12,262.00

For the payment of all salaries and expenses of the Montana Public Service Commission, Four Thousand Five Hundred and Seventy-four Dollars 4,574.00

For the payment of all salaries and expenses of the Montana Trade Commission in control of public mills, Fourteen Hundred and Thirty Dollars 1,430.00

For the payment of all salaries and expenses of the Montana Irrigation Commission, Six Thousand One Hundred and Eighty-two Dollars 6,182.00

State Board of Entomology.

For the payment of all salaries and expenses of the State Board of Entomology, Four Thousand Two Hundred Dollars 4,200.00

State Board of Health of Montana.

For the preparation and distribution of antitoxins, vaccines and serums for use in epidemics and for the care of the indigent sick, Five Hundred Dollars 500.00

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As an emergency appropriation for the prevention and suppression of communicable diseases and for use in epidemics, Eight Hundred and Fifty Dollars 850.00

For the payment of all other salaries and expenses of the State Board of Health, Eighteen Thousand and Thirty-seven Dollars 18,037.00

State Examiner.

For the payment of all salaries and expenses of the office of State Examiner, Fifteen Thousand Five Hundred Dollars 15,500.00

Adjutant General.

For the payment of all salaries and expenses of the office of Adjutant General, One Thousand Eight Hundred and Twenty-nine Dollars 1,829.00

For the maintenance of the State Armory, Eight Hundred and Eighty-Six Dollars 886.00

State Board of Hail Insurance.

For the payment of losses and interest upon registered Hail Insurance Warrants, to be paid from the Hail Insurance Fund, as much as may be required .....

For the payment of all salaries and administrative expenses to be paid from the Hail Insurance Administrative Fund, Seven Thousand Four Hundred and Sixty Dollars 7,460.00

Industrial Accident Board.

For the payment of compensation, to be paid from the Industrial Accident Fund or the Industrial Reserve Fund for investment in securities specified in Chapter 96, Session Laws of 1915, as amended .....

For the payment of salaries and expenses of the Industrial Accident Board, Six Thousand Nine Hundred Fifteen Dollars 6,915.00

For the payment of salaries and expenses of the Industrial Accident Board, to be paid from the Industrial Administration Fund, Ten Thousand Dollars 10,000.00

State Board of Education.

For the payment of all expenses of the State Board of Education, Two Hundred and Fifty Dollars 250.00

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State Entomologist.

For the payment of all salaries and expenses of the office of State Entomologist, One Thousand Two Hundred and Eighty-Four Dollars 1,284.00

State Law Library.

For the purchase of books, to be paid from the Law Library Book fund, One Thousand Dollars 1,000.00

For the payment of all salaries and other expenses, One Thousand Seven Hundred and Seventy-Eight Dollars 1,778.00

State Historical and Miscellaneous Library.

For the payment of all salaries and expenses of the State Historical and Miscellaneous Library, Six Hundred Dollars 600.00

State Board of Examiners.

For the compilation and publication of the State Budget, Two Thousand and Fifty-Two Dollars 2,052.00

For the establishment of a revolving appropriation to be used for the purchase of postage stamps and other office supplies for the use of the various departments of the State Government, Five Thousand Dollars 5,000.00

For the payment of all other salaries and expenses of the office of the State Board of Examiners, Three Thousand Three Hundred and Sixteen Dollars 3,316.00

State Engineer.

For the payment of all salaries and expenses of the Carey Land Act Board, to be paid from the Carey Land Act Board Fund, One Thousand and Twenty-five Dollars 1,025.00

For the payment of all other salaries and expense of the office of State Engineer, Four Thousand and Seventy-two Dollars 4,072.00

State Board of Charities and Reforms.

For the payment of all expenses of the State Board of Charities and Reforms, One Hundred and Sixty Dollars 160.00

Capitol Building.

For the operating expenses, capital expenditures and repairs and replacements in and about the Capitol Building, Sixteen Thousand Six Hundred and Forty-five Dollars 16,645.00

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G. A. R. Custodian.

For the payment of all salaries and expenses of the office of the G. A. R. Custodian, Four Hundred Dollars 400.00

Veterans' Welfare Commission.

For the payment of all salaries and expenses of the Veterans' Welfare Commission, including the support, maintenance and entertainment of Soldiers, Sailors and Marines, to be paid from the Veterans' Welfare Commission Fund, Twenty-three Thousand One Hundred and Seventy-two Dollars 23,172.00

Section 2. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 272.

An Act Appropriating Money for the Payment of Deficiency Claims for Public Printing for the State of Montana for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-four Thousand Three Hundred Twenty-two Dollars and Twenty-one Cents ($24,322.21), or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims for public printing for the State of Montana, for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1921.

HOUSE BILL NO. 275.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Montana Irrigation Commission for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Thousand Four Hundred Thirty-eight and 57/100 Dollars ($7,438.57), or so much thereof

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as may be necessary, be and the same is hereby, appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the Montana Irrigation Commission for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 283.

An Act Appropriating Money for the Payment of Salaries and Expenses of District Judges, Salaries of County Attorneys, and for Transportation of Prisoners for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921, and ending June 30, 1921; provided, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accrued during said four mnoths' period, and that any balance or balances of said appropriations not so used shall revert to the general fund:

For salaries and expenses of the District Judges, Fifty-One Thousand Six Hundred and Sixty-Seven Dollars $51,667.00

For salaries of County Attorneys, Thirty-Three Thousand, Three Hundred and Thirty-Three Dollars $33,333.00

For transportation of Prisoners, Three Thousand Three Hundred and Thirty Three Dollars .....$ 3,333.00

Section 2. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 5, 1921.

HOUSE BILL NO. 284.

An Act Appropriating Money for the Payment of Salaries and Expenses of District Judges, Salaries of County Attorneys, and for Transportation of Prisoners for the Period Beginning July 1, 1921, and Ending June 30, 1923.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby, appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1921, and ending June 30, 1922:

For salaries and expenses of District Judges, One Hundred and Fifty Five Thousand Dollars $155,000.00

For salaries of County Attorneys, Seventy Thousand Dollars 70,000.00

For transportation of Prisoners, Ten Thousand Dollars 10,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby, appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1922, and ending June 30, 1923:

For salaries and expenses of District Judges, One Hundred and Fifty-Five Thousand Dollars 155,000.00

For salaries of County Attorneys, Seventy Thousand Dollars 70,000.00

For transportation of Prisoners, Ten Thousand Dollars 10,000.00

Provided, that should this Act or any part thereof, be attacked or its constitutionality questioned, in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section 2 hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of said Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation.

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 353.

An Act Appropriating Money for the Purpose of Paying Counties the State's Portion of Taxes Illegally or Erroneously Collected and Refunded by Such Counties Under the Provisions of Section 2669 Revised Codes 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and there is hereby, appropriated out of any money in the general fund of the State Treasury, not

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otherwise appropriated; for the period ending June 30th, 1921, the sum of One Thousand Dollars ($1000.00) for the purpose of paying to the several counties of the state the State's portion of all taxes illegally or erroneously collected and refunded by such counties during such period, under the provisions of Section 2669 Revised Codes 1907.

Section 2. That there be, and there is hereby, appropriated out of any money in the general fund of the State Treasury not otherwise appropriated; for the twelve (12) months beginning July 1st, 1921, and ending June 30th, 1922, the sum of One Thousand Dollars ($1000.00) for the purpose of paying to the several counties of the state the State's portion of all taxes illegally or erroneously collected and refunded by such counties during such period, under the provisions of Section 2669 Revised Codes 1907.

Section 3. That there be, and there is hereby, appropriated out of any money in the general fund of the State Treasury not otherwise appropriated: for the twelve (12) months beginning July 1st, 1922, and ending June 30th, 1923, the sum of One Thousand Dollars ($1000.00) for the purpose of paying to the several counties of the state the State's portion of all taxes illegally or erroneously collected and refunded by such counties during such period, under the provisions of Section 2669 Revised Codes 1907.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 358.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of Various State Departments for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of various state departments for the year ending February 28th, 1921, to-wit:

Capitol Building Maintenance	$22,076.59
For Office of Superintendent of Public Instruction,	
Printing account	444.77
Traveling and Other Expenses	1,420.66
For State Auditor's Office,	
Supplies	254.19

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Telephone and telegraph 22.11
For Women's Home Economic Extension Expense 455.66

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 359.

An Act Appropriating Money for the Payment of Deficiency Claims on Account of Refunds Becoming Due During the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims on account of refunds becoming due during the year ending February 28th, 1921, to-wit:

Refund to Henry C. Smith, for filing fees erroneously collected by the
Clerk of the Supreme Court .....$ 20.00
Refund to P. J. Anderson, for taxes 5.00
Refund to Sanders County, for taxes 120.34

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force, and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 373.

An Act Appropriating Money for the Maintenance of the Institutions Comprising the University of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921, and ending June 30, 1921; provided, how-

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ever, that no part of said appropriations shall be used except for the payment of salaries falling due, and of expenses actually accruing during said four months period, and that any balance or balances of said appropriations not so used shall revert to the general fund:

To equalize the traveling fare of students in attendance upon the institutions of the University of Montana, Twelve Thousand Dollars $12,000.00

For the payment of salaries and other expenses of the State University, Ninety-five Thousand Four Hundred Dollars 95,400.00

For the payment of salaries and other expenses of the Agricultural College of Montana, Fifty Thousand Dollars 50,000.00

For the payment of salaries and other expenses of the Agricultural Experiment Station at the home station, Bozeman, Montana, Twenty Four Thousand Dollars 24,000.00

For the payment of salaries and other expenses of the Grain Laboratory, Three Thousand Dollars 3,000.00

For the payment of salaries and other expenses of the Fergus County Substation, Two Thousand Five Hundred Dollars 2,500.00

For the payment of salaries and other expenses of the Horticultural Substation, One Thousand Five Hundred Dollars 1,500.00

For the payment of salaries and other expenses of the Huntley Substation, One Thousand Dollars 1,000.00

For the payment of salaries and other expenses of Northern Montana Agricultural Substation, Four Thousand Eight Hundred Dollars 4,800.00

For Farmers' Extension Work in co-operation with Federal Government under the Smith Lever Act, and other acts of Congress relating to such work, Twenty-five Thousand One Hundred Fifty-three Dollars 25,153.00

For Farmers' Institutes, Two Thousand Seven Hundred Eighty-two Dollars 2,782.00

For expenses of rodent control, Eight Thousand Dollars.. 8,000.00

For expenses of the Livestock Selling Association, Five Hundred Fifty-six Dollars 556.00

For the payment of salaries and other expenses of the Montana State School of Mines, Seventeen Thousand Dollars 17,000.00

For the payment of salaries and other expenses of the Montana State Normal College, Twenty-three Thousand Two Hundred Sixty-eight Dollars 23,268.00

Section 2. The sums appropriated in Section 1 of this Act are

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in addition to all the income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 3. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 374.

An Act Appropriating Money for the Maintenance of the Institutions Comprising the University of Montana for the Period Beginning July 1st, 1921, and Ending June 30th, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1921, and ending June 30th, 1922:

To equalize the traveling fare of students in attendance upon the institutions of the University of Montana, Twelve Thousand Dollars	$ 12,000.00
For the payment of salaries and other expenses of the State University, Three Hundred Forty-seven Thousand Dollars	347,000.00
For the payment of salaries and other expenses of the Agricultural College of Montana, Two Hundred Thousand Dollars	200,000.00
For the payment of salaries and other expenses of the Agricultural Experiment Station at the home station, Bozeman, Montana, Ninety-three Thousand Seven Hundred Dollars	93,700.00
For the payment of salaries and other expenses of the Grain Laboratory, Eleven Thousand Two Hundred Forty Dollars	11,240.00
For the payment of salaries and other expenses of the Fergus County Substation, Eleven Thousand Two Hundred Forty Dollars	11,240.00
For the payment of salaries and other expenses of the Horticultural Substation, Five Thousand Six Hundred Twenty Dollars	5,620.00
For the payment of salaries and other expenses of the Huntley Substation, Two Thousand Dollars	2,000.00

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For the payment of salaries and other expenses of the Northern Montana Agricultural Substation, Nineteen Thousand Five Hundred Forty Dollars 19,540.00

For farmers' extension work, in co-operation with the Federal Government under the Smith Lever Act and other Acts of Congress relating to such work, Ninety Thousand Five Hundred Eighteen Dollars 90,518.00

For Farmers' Institutes, Nine Thousand Two Hundred Eighty-two Dollars 9,282.00

For expenses of rodent control, Eight Thousand Dollars 8,000.00

For the payment of salaries and other expenses of the State School of Mines, Sixty-nine Thousand Dollars.... 69,000.00

For the payment of salaries and other expenses of the Montana State Normal College, Eighty-six Thousand Four Hundred Fifty-five Dollars 86,455.00

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1922, and ending June 30th, 1923:

To equalize the traveling fare of students in attendance upon the institutions of the University of Montana, Twelve Thousand Dollars .....$ 12,000.00

For the payment of salaries and other expenses of the State University, Three Hundred Sixty-five Thousand Dollars 365,000.00

For the payment of salaries and other expenses of the Agricultural College of Montana, Two Hundred Twenty Thousand Dollars 220,000.00

For the payment of salaries and other expenses of the Agricultural Experiment Station at the home station, Bozeman, Montana, One Hundred Thousand Dollars.. 100,000.00

For the payment of salaries and other expenses of the Grain Laboratory, Twelve Thousand Dollars 12,000.00

For the payment of salaries and other expenses of the Fergus County Substation, Twelve Thousand Dollars.. 12,000.00

For the payment of salaries and other expenses of the Horticultural Substation, Six Thousand Dollars 6,000.00

For the payment of salaries and other expenses of the Huntley Substation, Three Thousand Dollars 3,000.00

For the payment of salaries and other expenses of the Northern Montana Agricultural Substation, Twenty Thousand Dollars 20,000.00

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For farmers' extension work in co-operation with the Federal Government under the Smith Lever Act and other Acts of Congress relating to such work, One Hundred Thousand Dollars 100,000.00
For Farmers' Institutes, Ten Thousand Dollars..... 10,000.00
For the expenses of rodent control, Eight Thousand Dollars 8,000.00
For the payment of salaries and other expenses of the State School of Mines, Seventy-five Thousand Dollars 75,000.00
For the payment of salaries and other expenses of the State Normal College, Ninety Thousand Dollars 90,000.00

Provided, that should this Act or any part thereof be attacked, or its constitutionality questioned in any court proceeding, then and in that event, it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section 2 hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1st, 1922, to June 30th, 1923, and that any decision affecting the constitutionality of said Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation.

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all the income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 4. This Act shall be in full force and effect from and after July 1st, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 377.

An Act Appropriating Money to Reimburse the Common School Interest and Income Fund for the Salaries and Expenses of the Officers and Employees of the Department of State Lands, the Office of the State Land Agent, the State Forester's Department, and the Fourth Assistant Attorney General and Stenographer to Such Assistant Attorney General, for the Period From December 6, 1920, to January 31, 1921, Inclusive, and to Provide for the Payment of the Salaries and Expenses of Such Officers and Employees for the Month of February, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.. That the sum of Thirteen Thousand Four Hundred

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Forty-one Dollars and thirty-two cents ($13,441.32), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the General Fund of the State of Montana not otherwise appropriated to reimburse the Common School Interest and Income Fund for the salaries and expenses of the officers and employees of the Department of State Lands, the office of the State Land Agent, the State Forester's Department, and the Fourth Assistant Attorney General and stenographer to such Assistant Attorney General for the period from December 6, 1920, to January 31, 1921, inclusive.

Section 2. That the sum of Seven Thousand Two Hundred Dollars ($7,200.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the General Fund of the State of Montana not otherwise appropriated to provide for the payment of the salaries and expenses of the officers and employees of the Department of State Lands, the office of the State Land Agent, the State Forester's Department, and the Fourth Assistant Attorney General and stenographer to such Assistant Attorney General for the month of February, 1921.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4.. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 381.

An Act Appropriating Money for the Return of the Inheritance of George F. Howarth which has Escheated to the State Under the Mistake That No Heir Existed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Twenty-four Dollars and thirty-eight cents ($124.38), be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the return of the inheritance of George F. Howarth as the heir of Robert Howarth, deceased, this money having escheated to the State of Montana under the mistake that no heir of said Robert Howarth existed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 382.

An Act Appropriating the Sum of One Thousand Two Hundred Seventy-Seven Dollars ($1277.00) to F. W. Somers, Contractor,

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in Payment of Construction Work Performed in Connection With the State Orphans' Home During the Years 1917 and 1918.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Two Hundred Seventy-seven Dollars ($1,277.00) be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to F. W. Somers, Contractor, in payment of construction work performed in connection with the State Orphans' Home during the years 1917 and 1918.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person in the sum of One Thousand Two Hundred Seventy-seven Dollars ($1,277.00), and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 384.

An Act to Appropriate the Sum of Two Hundred Thirty-four Dollars and Twenty-one Cents ($234.21) to Reimburse Peter Oren for Freight and Damages in Connection With a Trench Machine Shipped to Deer Lodge, Montana, in Pursuance of an Agreement With the Warden of the Montana State Prison.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred Thirty-four Dollars and twenty-one cents ($234.21) be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of reimbursing Peter Oren for freight and damages in connection with a trench machine shipped to Deer Lodge, Montana, in pursuance of an agreement with the Warden of the Montana State Prison

Section 2. The amount hereby appropriated shall be paid to the said Peter Oren by the State Treasurer upon a warrant drawn by the State Auditor, bearing upon the face thereof a statement that the amount thereof is in full settlement of all claims of said Peter Oren against the State of Montana in connection with his claim against the Montana State Prison for One Thousand Four Hundred Thirty-four Dollars and twenty-one cents ($1,434.21).

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 385.

An Act to Appropriate Money for the Incidental Expenses, Including Printing of Proceedings, Senate and House Journals and

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Session Laws, of the Seventeenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Thousand Dollars ($20,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the incidental expenses, including printing of proceedings, Senate and House Journals and Session Laws of the Seventeenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 387.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Montana Vocational School for Girls for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Thousand Seven Hundred Forty-eight and Thirty-four One-Hundredths Dollars ($20,748.34), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying claims for deficiencies arising out of the operation of the Montana Vocational School for Girls for the year ending February 28th, 1921, as follows:

Due A. B. DeKay, Contractor	$12,372.09
Claims for maintenance held by Board of Examiners	5,342.84
Salaries	1,893.41
Interest due on farm	1,140.00

Section 2. Such claims shall be allowed and paid from the appropriation hereby made upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 388.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of the Montana School for Deaf and Blind for the Year Ending February 28, 1921.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.. That the sum of Twenty-six Thousand Three Hundred Fifty-seven Dollars and seventeen cents ($26,357.17) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying deficiency claims arising out of the operation of the Montana School for Deaf and Blind for the year ending February 28, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 390.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921, and ending June 30, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accruing during said four months' period, and that any balance or balances of said appropriations not so used shall revert to the respective funds from which they are hereby made.

For the payment of per diem expenses of the State Board of Examiners for Coal Mine Inspectors, One Hundred Sixty-five Dollars ..... $ 165.00

For the payment of salary and expenses of the State Accountant, One Thousand Four Hundred Dollars..... 1,400.00

For the payment of all salaries and expenses of the State Land Office, Twenty-two Thousand One Hundred Ninety-five Dollars 22,195.00

For the payment of all salaries and expenses of the Fish and Game Commission, the Anaconda Fish Hatchery, the Hebgen Fish Hatchery, the Livingston Fish Hatch-

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ery, and the Somers Fish Hatchery, to be paid from the Fish and Game Fund, as much as may be required.....

For the payment of salaries and expenses of the Consolidated Boards, One Thousand Seven Hundred Dollars.. 1,700.00

For the payment of salary and expenses of the Parole Commissioner, Seven Hundred Thirty Dollars 730.00

For the payment of the expenses of the State Board of Charities and Reforms, One Hundred Sixty Dollars..... 160.00

For the payment of all salaries and expenses of the State Board of Equalization, Three Thousand and Nine Hundred Six Dollars 3,906.00

For the payment of all salaries and expenses of the State Bureau of Child and Animal Protection, Six Thousand Three Hundred Thirty Six Dollars 6,336.00

Section 2. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 391.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Institutions of the State of Montana for the Period Beginning July 1st, 1921, and Ending June 30th, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1921, and ending June 30th, 1922:

For the payment of salaries and other expenses of the Montana School for the Deaf and Blind, and for the purchase of land, One Hundred Fourteen Thousand Nine Hundred Fifty-seven Dollars $114,957.00

For the payment of salaries and other expenses of the Montana State Orphans' Home, Eighty-five Thousand Six Hundred Ten Dollars 85,610.00

For the payment of salaries and other expenses of the State Industrial School, Forty Thousand Eighty-three Dollars 40,083.00

For the payment of salaries and other expenses of the Girls' Vocational School, Twenty-eight Thousand Two Hundred Fifty-seven Dollars and fifty cents..... 28,257.50

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For the purchase of land and land improvements for the use of the Girls' Vocational School, Twenty-five Thousand Five Hundred Ten Dollars 25,510.00

For the payment of salaries and other expenses of the State Prison, One Hundred Sixty Thousand Eight Hundred Fifty-five Dollars 160,855.00

For the payment of salaries and other expenses of the Montana State Hospital, Four Hundred Thousand Dollars 400,000.00

For the erection and equipment of a Women's Dormitory at the Montana State Hospital, Forty Thousand Dollarss 40,000.00

For the erection and equipment of a Men's Dormitory at the Montana State Hospital, Sixty Thousand Dollars 60,000.00

For the erection and equipment of a building for imbeciles at the Montana State Hospital, Twenty-five Thousand Dollars 25,000.00

For the erection and equipment of a morgue at the Montana State Hospital, Two Thousand Five Hundred Dollars 2,500.00

For the payment of salaries and other expenses at the Montana State Tuberculosis Sanitarium, Ninety-five Thousand Dollars 95,000.00

For the erection and equipment of buildings at the Montana State Tuberculosis Sanitarium, Five Thousand Dollars 5,000.00

For the payment of salaries and other expenses at the Montana Soldiers' Home, Forty-three Thousand Five Hundred Thirty-two Dollars and fifty cents..... 43,532.50

Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designed, for the objects and purposes herein designated, for the year beginning July 1st, 1922, and ending June 30th, 1923:

For the payment of salaries and other expenses of the Montana School for Deaf and Blind, One Hundred Fourteen Thousand Fifty-seven Dollars $114,057.00

For the payment of salaries and other expenses of the Montana State Orphans' Home, Eighty-four Thousand Seven Hundred Sixty Dollars 84,760.00

For the payment of salaries and other expenses of the State Industrial School, Thirty-nine Thousand Two Hundred Seventy-eight Dollars 39,278.00

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For the payment of salaries and other expenses of the Girls' Vocational School, Forty Thousand Forty-two Dollars and fifty cents 40,042.50

For the payment of salaries and other expenses of the State Prison, One Hundred Sixty Thousand Six Hundred Thirty-five Dollars 160,635.00

For the payment of salaries and other expenses of the Montana State Hospital, Four Hundred Thousand Dollars 400,000.00

For the payment of salaries and other expenses of the Montana State Tuberculosis Sanitarium, Ninety-five Thousand Dollars 95,000.00

For the erection and equipment of buildings at the Montana State Tuberculosis Sanitarium, Fifteen Thousand Dollars 15,000.00

For the payment of salaries and other expenses of the Montana Soldiers' Home, Forty-three Thousand Four Hundred Thirty-two Dollars and fifty cents 43,432.50

Provided, that should this Act or any part thereof be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section 2 hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1st, 1922, to June 30th, 1923, and that any decision affecting the constitutionality of this Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation.

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all the income of said institutions from all permanent funds and endowments and from all land grants; from all the fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 4. This Act shall be in full force and effect from and after July 1st, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 392.

An Act Appropriating Money for the Maintenance and Operation of Certain of the State Institutions of the State of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may

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be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921, and ending June 30, 1921; provided, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accruing during said four months' period, and that any balance or balances of said appropriations not so used shall revert to the general fund:

For the payment of salaries and other expenses of the Montana School for the Deaf and Blind, Thirty-five Thousand Five Hundred Twenty-eight Dollars ..... $ 35,528.00

For the payment of salaries and other expenses of the State Orphans' Home, Twenty-six Thousand Five Hundred Ninety-three Dollars 26,593.00

For the payment of salaries and other expenses of the State Industrial School, Sixteen Thousand Five Hundred Seventeen Dollars 16,517.00

For the payment of salaries and other expenses of the Girls' Vocational School, Eleven Thousand Three Hundred Seventy-nine Dollars and fifty cents..... 11,379.50

For the payment of salaries and other expenses of the State Prison, Fifty-three Thousand Six Hundred Twenty-six Dollars 53,636.00

For the payment of salaries and other expenses of the Montana State Hospital, One Hundred Thirty-three Thousand Three Hundred Thirty-three Dollars..... 133,333.00

For the payment of salaries and other expenses of the Montana Soldiers' Home, Fifteen Thousand One Hundred Ninety-three Dollars 15,193.00

Section 2. The sums appropriated by Section One (1) of this Act are in addition to all the income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions from public or private bounty.

Section 3. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 393.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1921, and Ending June 30, 1923.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1921, and ending June 30, 1922:

For the payment of per diem and expenses of the State Board of Examiners for Coal Mine Inspectors, Mine Foreman and Mine Examiners, Five Hundred Dollars..$ 500.00

For the payment of salary and expenses of the State Accountant, Four Thousand Two Hundred Dollars..... 4,200.00

For the payment of all salaries and expenses of the State Land Office, Seventy-Three Thousand, One Hundred Seventy-Five Dollars 73,175.00

For the payment of all salaries and expenses of the Fish and Game Commission, the Anaconda Fish Hatchery, the Hebgen Fish Hatchery, the Livingston Fish Hatchery, and the Somers Fish Hatchery, to be paid from the Fish and Game Fund, as much as may be required..... ———

For the payment of salaries and expenses of the Consolidated Boards, Five Thousand, Two Hundred Eighty Dollars 5,280.00

For the payment of salary and expenses of the Parole Commissioner, Two Thousand, Two Hundred Fifty Dollars 2,250.00

For the payment of expenses of the State Board of Charities and Reforms, Five Hundred Dollars 500.00

For the payment of all salaries and expenses of the State Board of Equalization, Twelve Thousand, Two Hundred Dollars 12,200.00

For the payment of all salaries and expenses of the State Bureau of Child and Animal Protection, Nineteen Thousand, Eighty Dollars 19,080.00

Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter specified, for the year beginning July 1, 1922, and ending June 30, 1923:

For the payment of per diem and expenses of the State Board of Examiners for Coal Mine Inspectors, Mine Foreman and Mine Examiners, Five Hundred Dollars..$ 500.00

For the payment of per diem and expenses of the State Text Book Commission, Nine Hundred Five Dollars..... 905.00

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For the payment of salary and expenses of the State Accountant, Four Thousand Two Hundred Dollars..... 4,200.00

For the payment of all salaries and expenses of the Fish and Game Commission, the Anaconda Fish Hatchery, the Hebgen Fish Hatchery, the Livingston Fish Hatchery and the Somers Fish Hatchery, to be paid from the Fish and Game Fund, as much as may be required..... ———

For the payment of salaries and expenses of the Consolidated Boards, Five Thousand Eighty-Five Dollars..... 5,085.00

For the payment of salary and expenses of the Parole Commissioner, Two Thousand Two Hundred Fifty Dollars 2,250.00

For the payment of all salaries and expenses of the State Board of Equalization, Twelve Thousand Two Hundred Dollars 12,200.00

For the payment of all salaries and expenses of the State Bureau of Child and Animal Protection, Nineteen Thousand Eighty Dollars 19,080.00

Provided, that should this Act or any part thereof be attacked, or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section two (2) hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of said Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation.

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 394.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of Certain Fish Hatcheries for the Year Ending February 28, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the Fish and Game Fund not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the following Fish Hatcheries for the year ending February 28, 1921, to-wit:

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For the Anaconda Fish Hatchery, the sum of One Thousand Five Hundred Fifty-six Dollars and forty-five cents ..... $ 1,556.45

For the Somers Fish Hatchery, the sum of One Thousand One Hundred Eighty-five Dollars and seventy-five cents 1,185.75

For the Madison Dam Hatchery, the sum of Three Hundred Dollars 300.00

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 395.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Period Beginning March 1, 1921 and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921 and ending June 30, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accruing during said four months' period, and that any balance or balances of said appropriations not so used shall revert to the respective funds from which they are hereby made:

For the payment of salaries and other expenses of the Livestock Sanitary Board and the office of the State Veterinary Surgeon, for the month of March, 1921, Four Thousand Dollars ..... $ 4,000.00

For the payment of other salaries and expenses of the Livestock Sanitary Board and the office of the State Veterinary Surgeon, for the month of March, 1921, to be paid from the Livestock Sanitary Board Fund, Two Thousand Dollars 2,000.00

For the payment of salaries and other expenses of the office of the State Dairy Commissioner for the month of March, 1921, Eight Hundred Dollars 800.00

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For the payment of salaries and other expenses of the Livestock Sanitary Board for the months of April, May and June, 1921, Fifteen Thousand Seven Hundred Fifty Dollars 15,750.00

For the payment of other salaries and expenses of the Livestock Sanitary Board for the months of April, May and June, 1921, to be paid from the Livestock Sanitary Board Fund, Nine Thousand Dollars 9,000.00

For emergencies arising out of the operation of the Livestock Sanitary Board during the months of April, May and June, 1921, to be paid from the Livestock Sanitary Board Emergency Fund, Twenty-five Thousand Dollars 25,000.00

For the payment of salaries and expenses of the Livestock Commission, Four Thousand Dollars 4,000.00

For the payment of other salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, Sixteen Thousand Eight Hundred and Forty-nine Dollars 16,849.00

For the payment of the salary of one clerk to the Livestock Commission, to be paid from the Bounty Fund, Six Hundred Dollars 600.00

For the payment of Bounty Claims, to be paid from the Bounty Fund, as much as may be required.

For the payment of Estray Claims, to be paid from the Estray Fund, as much as may be required.

Section 2. This Act shall be in full force and effect from and after March 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 396.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Two Years Beginning July 1, 1921 and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1921 and ending June 30, 1922:

For the payment of salaries and other expenses of the Livestock Sanitary Board, Sixty-two Thousand Dollars $62,000.00

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For the payment of other salaries and expenses of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Fund, Thirty-five Thousand Dollars 35,000.00

For emergencies arising out of the operation of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Emergency Fund, Twenty-five Thousand Dollars 25,000.00

For the payment of the salary of one clerk to the Livestock Commission, to be paid from the Bounty Fund, One Thousand Eight Hundred Dollars 1,800.00

For the payment of other salaries and expenses of the Livestock Commission, Twelve Thousand Dollars 12,000.00

For the payment of other salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, Fifty Thousand Eight Hundred Fifteen Dollars 50,815.00

For the payment of Bounty Claims, to be paid from the Bounty Fund, as much as may be required.

For the payment of Estray Claims, to be paid from the Estray Fund, as much as may be required.

Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes herein designated, for the year beginning July 1, 1922, and ending June 30, 1923:

For the payment of salaries and other expenses of the Livestock Sanitary Board, Sixty-two Thousand Dollars 62,000.00

For the payment of other salaries and expenses of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Fund, Thirty-five Thousand Dollars 35,000.00

For emergencies arising out of the operation of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Emergency Fund, Twenty-five Thousand Dollars 25,000.00

For the payment of the salary of one clerk to the Livestock Commission, to be paid from the Bounty Fund, One Thousand Eight Hundred Dollars 1,800.00

For the payment of other salaries and expenses of the Livestock Commission, Twelve Thousand Dollars..... 12,000.00

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For the payment of other salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, Fifty Thousand Eight Hundred Fifteen Dollars 50,815.00

For the payment of Bounty Claims, to be paid from the Bounty Fund, as much as may be required.

For the payment of Estray Claims, to be paid from the Estray Fund, as much as may be required.

Provided, that should this Act or any part thereof be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section two (2) hereof twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of this Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other portion of said appropriations.

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 397.

An Act Appropriating Money for the Payment of Deficiency Claims Arising on Account of Salaries of District Judges for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixteen Thousand Dollars ($16,000,00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising on account of salaries of District Judges for the year ending February 28th, 1921.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made upon approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

HOUSE BILL NO. 398.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments

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of the State of Montana for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the four months beginning March 1, 1921 and ending June 30, 1921; provided, however, that no part of said appropriations shall be used except for the payment of salaries falling due and expenses actually accruing during the said four months' period, and that any balance or balances of said appropriations not so used shall revert to the respective funds from which they are hereby made:

For the payment of salaries and other expenses of the office of the Commissioner of Agriculture and Publicity for the month of March, 1921, One Thousand Dollars ..... $ 1,000.00

For the payment of salaries and other expenses of the Grain Grading, Inspection and Warehouse Commission for the month of March, 1921, to be paid from the Grain Grading Inspection and Warehouse Commission Fund, Six Hundred Dollars 600.00

For the payment of salaries and other expenses of the office of the State Horticulturist and the State Board of Horticulture for the month of March, 1921, One Thousand One Hundred Dollars 1,100.00

For the payment of salaries and other expenses of the Montana State Fair, for the months of March, April, May and June, 1921, Ten Thousand Eight Hundred and Seventy-one Dollars 10,871.00

For the payment of salaries and other expenses of the Montana State Fair for the months of March, April, May and June, 1921, to be paid from the State Fair Revolving Appropriation, all sums paid into said Revolving Appropriation.

For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, for the months of April, May and June, 1921, Nine Thousand Twenty-eight Dollars 9,028.00

For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, for the months of April, May and June, 1921, to be paid from the Department of Agriculture Revolving Appropriation, all sums paid into said Revolving Appropriation.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

HOUSE BILL NO. 399.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1921, and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of the revolving appropriations herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1921 and ending June 30, 1922:

For the payment of salaries and other expenses of the Montana State Fair, Fifty Thousand Eight Hundred Twelve Dollars $50,812.00

For the payment of other salaries and expenses of the Montana State Fair, to be paid from the Montana State Fair Revolving Appropriation, all sums paid into said Revolving Appropriation.

For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, Thirty-eight Thousand Six Hundred Seventy-five Dollars 38,675.00

For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, to be paid from the Department of Agriculture Revolving Appropriation, all sums paid into said Revolving Appropriation.

Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of the revolving appropriations herein designated, for the objects and purposes herein designated, for the year beginning July 1, 1922 and ending June 30, 1923:

For the payment of salaries and other expenses of the Montana State Fair, Forty-five Thousand Eight Hundred and Thirty-three Dollars $45,833.00

For the payment of other salaries and expenses of the Montana State Fair, to be paid from the Montana State Fair Revolving Appropriation, all sums paid into said Revolving Appropriation.

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For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, Thirty-eight Thousand Five Hundred seventy-five Dollars 38,575.00

For the payment of other salaries and expenses of the Department of Agriculture, Labor and Industry, to be paid from the Department of Agriculture Revolving Appropriation, all sums paid into said Revolving Appropriation.

For the payment of all salaries and expenses of the State Land Office, seventy-seven Thousand Seventy-five Dollars 77,075.00

Provided, that should this Act or any part thereof be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate in each of the various items embraced in Section two (2) hereof, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of this Act shall affect only that portion of said appropriation items for the months of March, April, May and June for the year 1923, and shall not affect any other part or portion of said appropriation.

Section 3. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 400.

An Act Appropriating Money for the Administrative Expenses of the Montana State Highway Commission for the Two Years Beginning July 1, 1921, and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That such sum of money as may be required, be and the same is hereby appropriated from the Highway Fund for the payment of the administrative expenses of the State Highway Commission for the year beginning July 1, 1921, and ending June 30, 1922; provided, however, that no portion of the Highway Fund shall be employed for purposes of actual construction, or for any other purpose than the payment of salaries falling due and administrative expenses actually accruing during the fiscal year ending June 30, 1922.

Section 2. That such sum of money as may be required, be and the same is hereby appropriated from the Highway Fund for the payment of the administrative expenses of the State Highway Commission for the year beginning July 1, 1922, and ending June

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30, 1923; provided, however, that no portion of the Highway Fund shall be employed for purposes of actual construction, or for any other purpose than the payment of salaries falling due and administrative expenses actually accruing during the fiscal year ending June 30th, 1923.

Section 3. Should this Act or any part thereof be attacked or its constitutionality be questioned in any court proceeding, then, and in that event it is hereby declared the intent of the Legislative Assembly to appropriate for the purposes set forth in Section Two (2) of this Act, twelve (12) equal amounts for each of the twelve (12) months from July 1, 1922 to June 30, 1923, and any decision affecting the constitutionality of this Act shall affect only that portion of said appropriation for the months of March, April, May and June of the year 1923, and shall not affect any other portion of said appropriation.

Section 4. This Act shall be in full force and effect from and after July 1, 1921.

Approved March 11, 1921.

HOUSE BILL NO. 401.

An Act Appropriating Money for the Administrative Expenses of the Montana State Highway Commission for the Period Beginning March 1, 1921 and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That such sum of money as may be required be and the same is hereby appropriated from the Highway Fund for the payment of the administrative expenses of the State Highway Commission for the period beginning March 1, 1921 and ending June 30, 1921; provided, however, that no portion of the Highway Fund shall be employed for purposes of actual construction, or for any other purpose than the payment of salaries falling due and administrative expenses actually accruing during said four months' period.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1921.

HOUSE BILL NO. 402.

An Act Appropriating Money to Pay a Judgment in Favor of Bankers' Life Company of Des Moines Against George P. Porter, as State Insurance Commissioner to Recover Illegally Collected Fees.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Nine Hundred Dollars ($900.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying a judgment in the case of Bankers' Life Company of Des Moines against George P. Porter, as State Insurance Commissioner in the Courts of this State.

Section 2. That in case the courts render the said judgment against said George P. Porter as State Insurance Commissioner and in favor of the said Bankers' Life Company of Des Moines, the same shall be paid upon the presenting of a duly verified claim therefor by said Bankers' Life Company of Des Moines, or its attorneys, to the State Board of Examiners and allowed by said State Board of Examiners, and a warrant therefor shall be drawn by the State Auditor against the appropriation herein made.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

SENATE JOINT MEMORIAL NO. 1.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the Yellowstone River which flows for about four hundred sixty miles through the State of Montana, drains Yellowstone Lake in the Yellowstone National Park in the State of Wyoming, and gets its main water supply therefrom;

AND, WHEREAS, Yellowstone Lake is at altitude of seven thousand seven hundred forty-one feet above sea level and is a catchment basin for a drainage area of more than sixteen hundred square miles, which drainage area is subject to a heavy winter snowfall;

AND, WHEREAS, in the spring and early summer months this deep covering of snow on the drainage area is rapidly melted by the warm winds and spring rains, and in a few days runs into the said Lake causing its level to be raised rapidly to six feet above the low-water mark;

AND, WHEREAS, the rise in the level of the Lake causes a heavy increase in the flowage of the Yellowstone River draining therefrom, such increase in flowage amounting to more than thirty times the low-water flowage of said river;

AND, WHEREAS, this great increase in the volume of river-flow constitutes a flood, which flood, on certain years does a prop-

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erty damage along the four hundred sixty miles of river in Montana, and which flood runs out each season prior to the time the water of the river can be used for irrigation purposes;

AND, WHEREAS, an estimate of this property damage shows it to have been upward of a million dollars in a single season;

AND, WHEREAS, there is now irrigated from the Yellowstone River, by canals taken therefrom, upward of two hundred fifty thousand acres inclusive of the area under the Huntley and Lower Yellowstone Federal Reclamation Projects;

AND, WHEREAS, after the surplus waters have run out of the Lake and gone to waste as a flood, the volume of flow in the river becomes so depleted that there occurs a period of water shortage. Such period of water shortage in the season of 1919 having caused a crop loss of approximately $4,000,000 to the farmers along said valley, a part of which loss was suffered by the farmers under the said Federal Reclamation Projects;

AND, WHEREAS, in addition to the lands already irrigated by canals from the Yellowstone River there are vast areas of fertile but arid land that can still be reclaimed by canals taken from said River, provided a sufficient water supply to serve such canals can be furnished during the irrigation season;

AND, WHEREAS, the construction of a small masonry dam across the Yellowstone River at or near its point of outlet from Lake Yellowstone in the Yellowstone National Park will serve the threefold purpose of:

First: Preventing a major portion of the damage due to floods that originate in this Lake.

Secondly: Hold back and conserve in storage a sufficient volume of water to furnish an adequate supply to the canals already taking water from said River including the Federal Reclamation Projects at Huntley and Lower Yellowstone.

Thirdly: Furnish a sufficient additional supply of water to make possible the irrigation of at least two hundred fifty thousand acres of the arid land not now under irrigation;

AND, WHEREAS, the two hundred fifty thousand or more acres of arid land that can be reclaimed, provided a supply of stored water is afforded, are almost entirely in the hands of settlers, which settlers are abandoning said lands permitting them to revert to grazing lands with the loss of improvements already thereon because such settlers are unable to successfully farm said lands without a supply of irrigation water;

AND, WHEREAS, a masonry dam sufficient to accomplish the purposes herein recited need be only high enough to maintain the level of Lake Yellowstone at its mean highwater mark six feet above its mean lowwater mark;

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AND, WHEREAS, such a dam can be so constructed as to serve as a bridge for foot and vehicular traffic, which bridge is badly needed to replace the present dilapidated pile structure known as the "Fish Bridge";

AND, WHEREAS, the construction of such a dam will in no wise injure or mar the scenic beauty or attractiveness of Yellowstone National Park but will be an added attraction therein and will, in addition, so equalize and regulate the flow of the Yellowstone River that the beauty of the falls of the Yellowstone and Grand Canyon will be greatly enhanced;

AND, WHEREAS, the construction of such a dam is not in the interest of any power development nor is any structure other than the dam itself required in Yellowstone Park to accomplish the desired purpose;

AND, WHEREAS, the State of Montana or an association of irrigation districts organized or to be organized under the jurisdiction of the said State will construct and maintain such dam;

NOW THEREFORE, BE IT RESOLVED by the seventeenth legislative assembly of the State of Montana that we do hereby petition and earnestly pray the Honorable Congress of the United States for the passage of Senate Bill 4529, being a bill "For the erection and maintenance of a dam across the Yellowstone River in the State of Wyoming."

AND BE IT FURTHER RESOLVED that copies of this memorial be forwarded by the Secretary of State of the State of Montana to each member of the Honorable Congress of the United States in session assembled.

Approved February 12, 1921.

SENATE JOINT MEMORIAL NO. 2.

Introduced by Cowan.

A Resolution Memoralizing the Congress of the United States to Enact Appropriate Legislation and Provide Sufficient Appropriations for the Completion of Federal Reclamation Projects Within the State of Montana, at as Early a Date as Possible, and Candidly to Advise the Congress and the Cabinet at Washington of the Exact Facts Relating to Irrigation and Public Land Settlement Within the State of Montana.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, there has existed, and exists now, for reasons hereinafter appearing, most injurious misconception of the circumstances and conditions prevailing within the State of Montana, affecting the subject of irrigation and reclamation, and the neces-

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sities and desires of the people in respect thereto, requiring correction and immediate legislation to overcome the misfortune and suffering within the State, now the Legislative Assembly of said State, in the earnest hope that a candid and exact statement of the case, will prompt, on the part of the Federal Government, that vigorous and beneficial action so urgently necessary, respectfully shows as follows:

(1). That the State of Montana contains 93,000,000 acres of land of which one-third is agricultural in nature and may be made to produce, under proper conditions, great quantities of grain and foodstuffs, far in excess of any amount required for the needs of its own people.

(2). That prior to the year 1910, Montana was principally a mining and grazing country. Thereafter, and consequent on the passage of the 320 acres enlarged homestead act, by the Congress, there was initiated an intensive campaign, persistently conducted by railroad immigration agents and private land vendors, to induce settlers to come into Montana from other sections of the United States, and enter upon homestead areas on the great eastern plateau of the Rocky Mountains. Inspired by the hope of a free home on easily tilled land, and accompanying economic and financial independence, thousands of settlers, originating from every state in the Union, came into Montana from the years 1910 to 1915, and entered homesteads upon the great empire of grazing lands sloping from the Rockies to the Mississippi Basin.

(3). During the years 1911 to 1916, inclusive, a plenteous natural precipitation of moisture caused the growth of grain crops sufficient to justify the broadcast representations of railroad immigration agents and land vendors that irrigation was unnecessary and dry-land farming always a feasible and safe undertaking, and to warrant conviction on the part of the newcomers, ignorant of the experience of the past, that irrigation was not essential to their welfare, a conviction clinched beyond the possibility of removal by adverse argument and warning when the summer of 1916 produced, on the plains for three hundred miles east of Rocky Mountains in Montana enormous yields of wheat, of greater value than the total annual production of Montana's gold mines. Under the spell of their new wealth, and with five years experience, behind them, thousands of these settlers, firmly believing irrigation to be unnecessary, resisted the incorporation of their lands in the Federal Reclamation Projects, or petitioned their homesteads out of projects. These actions of the new settlers were strongly opposed and counselled against by the older residents of Montana whose long acquaintance with her climate had impressed them with the indispensability of irrigation on a great scale, with the knowledge that

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without irrigation there was no security for man or beast, but their warnings were thrown aside as the obsessions of alarmists, in the face of the 1916 yield.

(4). With 1917, came the World War. Financed by the bounteous returns of 1916, and stimulated by the two most impelling motives of human impulse, Patriotism and Greed, the new settlers broke up great stretches of new land and planted the greatest acreage ever sown in Montana. For lack of rainfall the crop practically failed, returning but enough to furnish seed for 1918. The farmers being without resources of their own, the bankers and storekeepers took up the burden of financing the planting for the crop of 1918. The seed was sown, but there was no crop, for again the rains failed to come and the autumn of the war's second year witnessed a greater disaster than in 1917. Goaded by the universal cry for greater production, and endeavoring to recoup part of the losses of 1917 and 1918, these new settlers, by this time reduced to the extremity of appealing for public aid, brought their case to the attention of the President of the United States, and the President set aside five million dollars, from his war emergency fund of one hundred million dollars to finance the farmers of the drouth stricken areas in another attempt to grow wheat as a war emergency measure. The spring of 1919 passed into the summer solstice without rainfall and the summer continued and closed without any rainfall, producing the greatest drouth in the history of Montana, the grasses on the prairies failing to grow, and the streams and rivers diminished in flow to a lower point than ever known in the history of the state.

Section 5. When in the middle of the summer of 1919, it was an established fact that the state was in the third year of drouth, and the most disastrous year of the three, a special session of the Legislative Assembly of Montana was called to devise plans to carry stockmen and farmers over the winter and finance another attempt to plant a crop. Laws were passed permitting the counties in the drouth section to issue bonds for the purpose of financing this attempt. The winter that followed the drouth of 1919, for extreme length and severity has never been equaled, with the result that from at least fifty millions of dollars were expended outside of the state for the importation of forage to keep the herds and flocks alive. All seed grains were imported from Canada and adjoining states for seed purposes. The crops of 1920 proved on an average a little greater in quantity than the crops of 1917, 1918 and 1919, but the cost forage, of seed, of labor and of farming machinery, the increased freight rates, and finally the precipitate decline in the prices of agricultural commodities swept away any margin of

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profit that might have accrued to be used against interest payments on the debts arising from the operations of 1917, 1918 and 1919.

WHEREAS, all the people of Montana are now thoroughly convinced beyond any doubt that the salvation of agriculture in the state is directly dependent upon proper irrigation and reclamation, and the new settlers of the state are frank to acknowledge the error of refusing encouragement to irrigation and reclamation; and

WHEREAS, throughout the State of Montana there are mighty rivers and streams flowing abundant quantities of water easily and readily susceptible of use for irrigation, but the diversions of which are beyond the ability of private individuals and can only be undertaken by the state and national government; and

WHEREAS, it is the firm conviction of the Legislative Assembly of the State of Montana that the only remedy for the present deplorable situation lies in an enlarged program of irrigation development whereby these destitute people can be given employment on construction of irrigation dams and ditches, and ultimately placed upon irrigated lands where they can acquire a home and financial independence;

NOW THEREFORE BE IT RESOLVED by the Senate of the 17th Legislative Assembly of the State of Montana and the House of Representatives concurring therein, that we do hereby petition the Congress of the United States for the immediate passage of liberal legislation providing for the prompt completion of irrigation and reclamation projects now undertaken by the Federal Government, and further providing for the initiation of new irrigation and reclamation projects on a large scale within this state; and

BE IT FURTHER RESOLVED that we hereby pledge to the Congress of the United States and the proper officers of Washington, our full and unstinted aid and co-operation in such Federal measures; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted by the Secretary of the State of Montana to the Honorable Members of the United States Senate and the House of Representatives, and to the President and the Cabinet officers at Washington, and to the Senators and Representatives from the State of Montana, with the particular request that they exert every possible effort within their power to enact such legislation as is prayed for herein.

Approved February 26, 1921.

SENATE JOINT MEMORIAL NO. 3.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Senate and Housse of Representatives of

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the State of Montana, in Legislative Session Assembled, do most respectfully represent and petition:

WHEREAS, The land hereinafter described is the scene of a memorable battle fought by our valiant soldiers under command of General Nelson A. Miles with the Nez Perces Indians in October 1877, which battle resulted in the capture of Chief Joseph, and his band of warriors and was one of the major events in the Indian warfare on our Western plains; and

WHEREAS, Said tract of land contains the grave of many soldiers who fell in said action; and

WHEREAS, Said land is of little value for agricultural purposes being of a rough and stony character; and

WHEREAS, It is fitting and proper that said land should be set apart as a National Monument of the battle above mentioned, and for the preservation of the burial place of soldiers who fell in said battle; and

WHEREAS, In the offical report of General Nelson A. Miles to the War Department the battle above mentioned was designated by him as the "Battle of the Bear's Paw."

NOW, THEREFORE, BE IT RESOLVED, That the Senate and House of Representatives of the State of Montana do request the Congress of the United States to set aside the northwest quarter of section twelve (12), in township thirty (30) north, range nineteen (19) east of the Montana Principal Meridian as a National Monument to be known and designated as the "BATTLE OF THE BEAR'S PAW;" and

BE IT FURTHER RESOLVED, That a copy of this Memorial be forthwith transmitted to the President of the United States, Secretary of the Interior, and the members of the United States Senate and House of Representatives from Montana.

Approved March 1, 1921.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, The regulation of immigration is one of the foremost economic problems confronting our Nation today; and,

WHEREAS, The World War resulted in the almost complete stoppage of immigration to this land from the country of Europe, thereby making it possible for this Nation to absorb in its industrial life, and to some extent, to educate to its ideals of citizenship, the mass of alien immigrants who had theretofore come to our shores; and,

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WHEREAS, The cessation of the World War and the improvished condition of many of the Nations of Europe has resulted in enormously increasing the immigration to America to such an extent that the only limit to the number of aliens now coming to our shores is the inability of steamship companies to transport them across the waters; and,

WHEREAS, the present industrial depression throughout the Nation has already closed the available source of employment to large numbers of our citizens, and there is now an actual surplus of labor in America which is unable to find employment, and consequently unable to procure the necessities of life and to maintain adequate standards of living; and

WHEREAS, the existence of our Nation and preservation of its cherished institutions, no less than its economic welfare, demands that aliens be not admitted to our shores in greater numbers than can be assimilated into our population and taught the duties and responsibilities of American citizenship; and

WHEREAS, Unless a check is at once placed upon the overwhelming flood of immigration now rolling in upon our shores, it will be impossible for America to longer preserve either American citizenship or American standards of living;

NOW THERE BE IT RESOLVED, By the Senate of the Seventeenth Legislative Assembly of Montana, the House concurring, that we do hereby most earnestly petition the Congress of the United States for the immediate passage of such legislation as will prohibit the immigration of alien peoples to our shores for a period of five years, and to permit during such time only such immigration as is necessary to maintain commercial, social and educational relation with the rest of the world; and,

BE IT FURTHER RESOLVED, That a copy of this Memorial be transmitted to the Presiding Officer of the United States Senate, the Speaker of the House of Representatives, and to the Senators and Representatives in Congress of the State of Montana with the request that the latter use every effort within their power to secure the enactment of legislation herein requested.

BE T FURTHER RESOLVED, That a copy of this Memorial be forwarded to the respective Houses of the Legislature of the several States now in session and that they are hereby urged to take action on same.

Approved March 1, 1921.

SENATE JOINT RESOLUTION NO. 1.

A Joint Resolution Relating to the Efforts of the State of Washington and the Citizens Thereof to Dam the Outlet of Flathead Lake in Flathead County, Montana, and Hold Back and Impound

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the Waters Entering Said Lake and Creating Thereby a Storage Reservoir for the Irrigation of Lands in Said State of Washington, Under What Is Called the Columbia Basin Irrigation Project.

WHEREAS it has been called to the attention of this Assembly and members thereof, that the State of Washington and its citizens are seeking to reclaim a large area of lands entirely within said state, by a system known as the Columbia Basin Irrigation Project, and to secure the waters therefor, it is the purpose of the promoters of said Project, to construct a dam across the outlet of Flathead Lake in Flathead County, Montana, thereby raising the waters of said lake ten to fourteen feet above normal low water mark; and

WHEREAS, in so doing, approximately 20,000 acres of the best farm lands above and around said lake will be inundated and rendered valueless and many homes on said lands and the shores of said lake destroyed; and

WHEREAS, the city of Kalispell and other urban communities in said Flathead County are largely dependent upon the agricultural resources of that country for their existence and prosperity, and there are no compensating returns therefor, and the destruction of such farms and homes will greatly increase the burdens of taxation upon the remaining property; and

WHEREAS, if the state of Washington and its citizens are permitted, unopposed, to thus enter this state and appropriate and divert the waters thereof, it will establish a precedent which may result in inestimable injury to other communities of this state and to the state at large, by depriving its citizens of waters they need:;

NOW THEREFORE, BE IT RESOLVED: by the Senate of the Seventeenth Legislative Assembly of the State of Montana, the House concurring, that all the waters of this state, so long as they remain therein, are the property of this state, and its citizens, and that no other state, nor the citizens thereof, has any right to enter this state and there appropriate, impound, or divert any of such waters for use outside of this state.

BE IT FURTHER RESOLVED: that the members of Congress from this state, and all of the executive officers thereof, be and hereby are, urged and requested to make their best efforts and use all legal machinery at their command, to prevent the creation of such reservoir in said Flathead Lake and the appropriation and diversion of its waters for the use and benefit of said Columbia Basin Irrigation Project, or any other project outside of this state.

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BE IT FURTHER RESOLVED: that a copy of this Resolution be sent to each Senator and Representative from this state.

Approved January 27, 1921.

SENATE JOINT RESOLUTION NO. 2.

"A Joint Resolution Relating to the Opening of a Direct Passage to the Sea from Upper Lake Superior and Through the St. Lawrence River, Thus Bringing Montana in Closer Contact with the Markets of the World."

Be It Resolved by the Senate, the House Concurring: That Whereas:

It is proposed to make such improvements in the St. Lawrence River as to make the Great Lakes accessible to ocean going commerce:

and, as this improvement will in effect bring the State of Montana five hundred (500) miles nearer the world's markets;

and, as there are within the State great resources which lie wholly undeveloped while the production of all things is diminished or retarded by distance from markets;

and, because the improvements proposed by the Great Lakes-St. Lawrence Tidewater project will make it possible to send an ocean going ship from the head of the Great Lakes to Liverpool without unloading or re-loading as at present, at Buffalo and New York City;

and, because such movement of wheat, copper and other products of Montana would thus reach world markets at a less transportation toll;

and, because a short way to the sea is a measure for Montana's opportunity for years to come;

and, as a number of states have joined in the Great Lakes-St. Lawrence Tidewater Association having as its object the early undertaking and completion of this improvement;

NOW, THEREFORE, BE IT RESOLVED: That the Governor of Montana, be, and he is hereby authorized to appoint some capable and discreet person, who shall be designated as "Commissioner of the Great Lakes-St. Lawrence Tidewater Association," who is hereby authorized and empowered to procure the admission of the State of Montana to such Association, and represent the State of Montana at any and all meetings of such Association thereby causing a participation of Montana in the Council of States for the purposes herein outlined, provided however that the State of Montana in no way will assume the expenses incurred under this memorial.

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RESOLVED: That the Senators of Montana in the Congress of the United States be requested to facilitate and expedite in every possible way the prosecution of this undertaking, of important concern to the State of Montana.

Approved February 14, 1921.

SENATE JOINT RESOLUTION NO. 3.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, There was granted to the State of Montana by the United States large tracts of timber land within said State for educational purposes; and

WHEREAS, By the terms of said grant it was provided that said lands, "shall be disposed of only at public sale and at a price not less than Ten Dollars ($10.00) per acre, the proceeds to constitute a permanent school fund ****;" and,

WHEREAS, Pursuant to the laws of the State of Montana the State has sold and disposed of the timber from a large acreage of the said timber lands and the lands so cut over are valuable only as timber lands and for timber culture and have no value for agriculture or other purposes and that it is to the interests of the State of Montaana and the educational institutions for which said lands were granted that said cut over lands be reforested; and

WHEREAS, Said cut over lands are widely scattered and in most cases isolated and by reason thereof it is impracticable and uneconomic to undertake the reforesting and care thereof and that in order that this important work may be successfully carried on the State should be permitted to exchange said cut over lands that are valuable only for timber culture for other lands of like character and of the same value to the end that the State may acquire or secure its holdings in a compact body in order that reforesting may be undertaken in a business like and economic manner:

NOW THEREFORE BE IT RESOLVED, The House of Representatives concurring, that we, the Seventeenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States to immediately enact such legislation as will permit the State of Montana to dispose of the cut over timber lands heretofore granted by exchange so that a reforesting program may be successfully and economically carried out by said State of Montana; and

BE IT FURTHER RESOLVED, That a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives of the State of Montana in Congress

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and that they be urged to use their best efforts to obtain congressional action herein indicated.

Approved February 23, 1921.

SENATE JOINT RESOLUTION NO. 4.

A Joint Resolution Requesting the Senators and Representatives of the State of Montana in the Congress of the United States to Lend Their Support to the Passage of the Bill Now Pending Before Congress Known as the Chamberlain-McArthur Bill, Relating to the Appropriation of Additional Sums of Money for Extending Federal Aid in the Construction of Post Roads and for Other Purposes.

WHEREAS, there is now pending before the Congress of the United States certain bills for the appropriating of additional sums for Federal aid in the construction of Post Roads, and for other purposes, and which said bills are designated the Chamberlain-McArthur Bill; and

WHEREAS, the method of expending moneys sof the United States for the construction of Post Roads in the United States and within the boundaries of the State of Montana, is upon a basis of equal amounts of money being expended by the Federal Government, together with the state and county, which method has resulted in burdening the several counties of the state of Montana to a greater extent than is deemed just and proportionate; and

WHEREAS, the allotment of money made by the Federal Government under the existing laws for Federal aid in the construction of road projects within the state of Montana has not at the present time been used because, and on account of the inability of the state of Montana and the several counties therein, to raise by appropriation an amount sufficient to equal the requirements of the present existing Federal Aid Act; and

WHEREAS, the Chamberlain-McArthur bill now before Congress will afford additional sums of money for the construction of highways within the State of Montana, as well as in the Forest Reserves, Indian Reservations, and across the Government lands still unoccupied within the State of Montana; and

WHEREAS, the provisions of the Chamberlain-McArthur Bill will aid and assist the several counties of the state of Montana, and the state itself, in meeting the requirements of the Federal Aid Project for construction of roads and highways:

NOW THEREFORE, BE IT RESOLVED by the Senate of the Seventeenth Legislative Assembly of the State of Montana, the House of Representatives concurring therein, that we do urge upon

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the Honorable Senators and Representatives in the Congress of the United States from the State of Montana, that they use all honorable means for the passage of the Chamberlain-McArthur Act, to the end that the state of Montana may be aided and assisted in the construction of roads and highways in proportion to the amount of lands owned by the state with those owned by the Federal Government.

AND BE IT FURTHER RESOLVED: that copies of this Resolution be forwarded by the Secretary of the State of Montana to each of the Honorable Senators and Representatives in the Congress of the United States, and to the Senate and House of Representatives of the Congress of the United States.

Approved February 8, 1921.

SENATE JOINT RESOLUTION NO. 5.

WHEREAS, The development of the Mining and Agricultural Industry of Montana is seriously handicapped by the exhorbitant prices charged for powder, fuse and blasting caps; and

WHEREAS, A condition of monopoly exists in the production of these commodities, giving to the possessors of the formulas, patents and methods, control of the production and market of these commodities; and

WHEREAS, Such monopoly and control is incompatible with the welfare of a great number of the people of Montana, and contrary to the principle of democratic government:

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the Senate and House of the Seventeenth Legislative Assembly of the State of Montana, do hereby petition the Honorable members of the Senate and Congress of the United States to enact such legislation as will grant relief to the many people who are suffering from the unjust burden placed upon them by the manufacturers of these commodities.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the members of Congress and Senate from Montana.

Approved February 16, 1921.

SENATE JOINT RESOLUTION NO. 7.

A Resolution Relating to the Endorsement of the McFadden Bill to Protect the Gold Monetary Reserve of the United States by Stimulating the Gold Production.

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To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, There is now pending before the congress of the United States a bill known as the McFadden bill H. R. 13201, which said bill has for its objects, among other things, the following:

1. To promote the production of gold and the development of the gold reserves of the United States, making such enterprise possible by overcoming and removing the existing impossible conditions as far as may be.

2. To enhance the production of gold for monetary purposes in the United States and increase the amount of gold which will remain in this country for such and other purposes, by producing a remedy for present conditions which have caused almost entire cessation in gold mining in the United States resulting in a demonition, constituting a grave danger to the gold supply and narrowing the basis of the monetary standard, at a time when civilization is most dependent upon the maintenance of such basis; and

WHEREAS, The United States, together with the leading nations of the world, has adopted gold as the unit of monetary measurement, the standard medium of exchange; and

WHEREAS, The gold mining industry of the United States is lagging and the production shrinking, endangering the security of the monetary gold reserve, for the purpose of maintaining adequate protection for such reserve, an urgent demand for an immediate remedy exists; and

WHEREAS, The character of gold mining has, in general, changed from that of placer gravel and shallow rich quartz mining, with cheap labor, long hours and cheap supplies, as was its character at the time the coinage value of gold was fixed, more than one hundred years since, to that of deep, low-grade quartz mining, requiring expensive machinery and appliances, additional skilled labor, working short hours and the consumption of expensive oils and fuels, which, together with the present cost of labor, powder, steel, timbers, fuels, appliances, oils and every other supply and material used in mining, have advanced the cost until the product of gold mines is rarely equal in value to its coinage value, and gold mining today is prohibitive, with a very few minor exceptions; and

WHEREAS, The condition of the gold mining industry in Montana and the entire Western portion of the United States, gives cause for the prompt and early enactment of the Legislation proposed; now therefore, be it

RESOLVED by the Senate and House of the Seventeenth Legislative Assembly of the State of Montana,

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That the legislature of Montana memorialize the congress of the United States for the adoption of said McFadden bill and the imperative need for its immediate enactment.

RESOLVED, That the Senators and Representatives in congress from the State of Montana be requested to use all honorable means to secure the immediate enactment of the said McFadden bill into law; and be it further

RESOLVED, That a copy of this joint resolution be forwarded by the Secretary of State of the State of Montana to the Senate and to the House of Representatives of the United States, and also that copies thereof be transmitted by the Secretary of State to the Senators and Representatives in congress from the State of Montana, with the request that they use every effort within their power to bring about an accomplishment of the end and purpose in this resolution set forth.

Approved March 1, 1921.

SENATE JOINT RESOLUTION NO. 8.

WHEREAS, the Special Committee appointed by the Seventeenth Legislative Assembly to investigate the Highway Commission of the State of Montana have not at the present time completed their labors, and;

WHEREAS, the plans and program of the highway Commission for the year 1921 involved an expenditure of nearly four million of dollars, and;

WHEREAS, the State Highway Commission are making preparations for the letting of contracts for the construction of roads, highways and bridges at the present time, and;

WHEREAS, the Special Committee deem it unwise for any further contracts or preparations to be made by the State Highway Commission until the Legislative Assembly shall have completed the highway legislation now before it and proposed for passage, and;

WHEREAS, your Special Committee are of the opinion that they cannot complete their labors without having full and complete auditing of the books of the Highway Commission,

NOW THEREFORE BE IT RESOLVED, by the Senate of the 17th Legislative Assembly, the House of Representatives concurring, that the State Highway Commission be, and the same is, hereby directed to refrain from making any contracts of any kind or character for further construction of roads and bridges within the State of Montana, and;

BE IT FURTHER RESOLVED, that the Committee appointed to investigate the Highway Commission be, and are, hereby authorized

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to employ such special and expert accountant as they may deem proper to audit the accounts of the State Highway Commission and that the expenses of the employment of such accountant be paid out of the contingent expenses of the 17th Legislative Assembly of the State of Montana by the Sergeant-at-Arms, upon the same being approved by the Special Committee, and;

BE IT FURTHER RESOLVED, that the State Highway Engineer of the State of Montana be directed to refrain from creating any further obligations on the part of the State of Montana until such time as the Legislative Assembly may have completed its labors or such matters which have been submitted to the Governor of the State of Montana for his approval, and;

BE IT FURTHER RESOLVED, that a copy of this Resolution be delivered to the Chief Engineer of the State Highway Commission immediately upon its passage and approval.

Approved February 23, 1921.

SENATE CONCURRENT RESOLUTION NO. 9.

WHEREAS, The joint assembly of the Seventeenth Legislative Assembly was on the Twenty-second day of February, 1921, addressed by the Honorable Joseph M. Dixon, Governor of the State of Montana, in a memorial address commemorating the birthday of the founder of the American Government;

THEREFORE BE IT RESOLVED, By the Senate of the Seventeenth Legislative Assembly, the House of Representatives concurring, that we extend a vote of thanks to the Honorable Joseph M. Dixon, Governor of the State of Montana, for the able and masterly address delivered before the joint assembly of the State of Montana, and;

BE IT FURTHER RESOLVED, That a copy of this concurrent resolution be forwarded by the Secretary of the Senate to his excellency, the Governor of the State of Montana.

Filed March 12, 1921.

HOUSE JOINT MEMORIAL NO. 1.

A House Joint Memorial Relative to the Regulation of the Packing Industry.

WHEREAS, there is pending before the Congress of the United States, Senate Bill No. 3944, introduced by Gronna, and Senate Bills by Kendricks and Kenyon, and House Bill by Anderson, the purposes of which are to provide transportation, storage and marketing facilities for, and to regulate commerce among the states

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in livestock, meats, and other products derived from livestock or the slaughtering of livestock, which we consider to be detrimental to our industry;

WHEREAS, regardless of our objections to said bills on the foregoing grounds, we believe that the remedy for the abuses of power and inefficient service to the public by larger concerns throughout the country lies in strict and broad-minded supervision, and not in the curtailment of production that might result from the delegating of a commission with arbitrary powers:

NOW THEREFORE, BE IT RESOLVED, By the House of Representatives of the Seventeenth Legislative Assembly, the Senate concurring, that we do hereby protest against the passage of said bills, or like legislation tending to create any further agitation;

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State to our Senators and Representatives in Congress, and they are urged to use their best efforts to prevent the passage of said bills.

Approved January 28, 1921.

HOUSE JOINT MEMORIAL NO. 2.

Memorial to Congress of the United States to Enact Such Legislation as May be Necessary to Impose an Import Duty on Flax for the Protection of the Flax Growing Industry of the United States.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the Members of the Seventeenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectively represent:

WHEREAS, The State of Montana is one of the largest flax producing states in the union, and has millions of acres of virgin prairie, yet to be developed, which will eventually become flax producing lands; and

WHEREAS, The State of Montana has shipped large quantities of flax to the mills at Portland, Oregon, during the past few years; and

WHEREAS, The flax growers of this State have recently been informed by the mills and flax buyers of Portland, Oregon, not to ship any more flax to that point, for the reason that said mills were able to and had purchased a supply of flax for the coming year from Manchuria, in Asia, at a price much less than that for which they could purchase domestic raised flax; and

WHEREAS, We, the Seventeenth Legislative Assembly of the State of Montana, believe that the present duty on flax is insuffi-

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cient to protect the American industry and that the said duty should be high enough to prevent the importing of foreign grown flax to the damage of the American grown product:

NOW, THEREFORE, Be it resolved, by the House, the Senate concurring: That we, the Members of the Seventeenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Congress of the United States to enact such legislation as may be necessary to impose an import duty upon flax of not less than the sum of seventy cents per bushel for a period of three years.

RESOLVED FURTHER, that a copy of this Memorial be forwarded by the Secretary of the State of Montana, to the Senate and House of Representatives of the United States, and to our Senators and Representatives in Congress.

Approved January 28, 1921.

A SUBSTITUTE FOR HOUSE JOINT MEMORIAL NO. 3.

A Memorial to the President and to Congress of the United States for the Setting Aside of Certain Lands Covered and Known as "The Gates of the Rocky Mountains" into a National Monument and Withdrawing the Same from Entry.

Be it Resolved by the Legislative Assembly of the State of Montana, that the Following Memorial be Adopted:

Your Memorialists, members of the Seventeenth Legislative Assembly of the State of Montana, in regular session assembled, the Senate and House concurring, respectfully represent:

WHEREAS, within the boundaries of Sections 18, 19, 30 and 31, of Township 13 North of Range 2 West, and Sections 10, 11, 12, 13, 24, 25 and 35, of Township 13 North of Range 3 West, and the North One-half of Section 1, Township 12, North of Range 3 West, of Montana's Principal Meridian, are contained the towering rocks with the Missouri River flowing between, and forming a famous and historical canyon named by the explorers, Lewis and Clark, as, "The Gates of the Rocky Mountains;" and

WHEREAS, the same presents a distinctive and magnificent example of Western Scenery which should be preserved and protected in its present state unto the future ages; and

WHEREAS, the withdrawing of the same from entry and settlement would be no interference with the agricultural or other productive activities in the vicinity;

THEREFORE BE IT RESOLVED, by the House of Representatives of the Seventeenth Legislative Assembly of the State of Montana, in regular Session Assembled, the Senate concurring, that we do hereby petition the President of the United States to cause the

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said "Gates of the Rocky Mountains" to be withdrawn from entry and settlement and set aside as a National Monument, and that the Congress of the United States take such action as will cause the same to become a perpetual National Monument and be preserved unto the future ages for the benefit of all the people of our land.

BE IT FURTHER RESOLVED, That the Secretary of the State of Montana forward a copy of this Memorial to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the House of Representatives of the United States, and to each United States Senator and Member of the House of Representatives from the State of Montana.

Approved February 21, 1921.

HOUSE MEMORIAL NO. 5.

A Memorial to the Congress of the United States for Amendment of the Act of Congress, Approved May 30th, 1908, Opening for Entry and Settlement, Under the Land Laws of the United States, the Fort Peck Indian Reservation.

Your Memorialists, members of the Seventeenth Legislative Assembly, of the State of Montana, in regular session assembled, the House and Senate concurring, respectively represent:

WHEREAS, under and pursuant to the provisions of the Act of Congress, approved May 30, 1908, opening to settlement and entry, under the land laws of the United States, lands formerly within the Fort Peck Indian Reservation, in the State of Montana, settlement and entry have been made by a large number of actual bona fide settlers who have made the initial payment required under said Act of Congress, and have cultivated said lands as required by the land laws of the United States; and

WHEREAS, said Act of Congress, in opening for settlement and entry said lands, provides that entrymen of any of said lands shall pay to the government, the appraised value thereof in five equal annual payments, and that the full appraised value of said lands shall be paid before title can be obtained by the entrymen; and

WHEREAS, said settlers upon said lands, owing to extreme and unusual drouth conditions existing during the past five years, have been unable to produce remunerative crops of grains or grasses, and all agricultural crops upon said lands have been practically a total failure during said period; and

WHEREAS, settlers upon said lands, by reason of the aforesaid failures, are unable to pay the government purchase price for said lands, and for the interest payments upon deferred payments, as required by Statute, and are unable to continue their residence upon

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the same, and unless relief is granted to them they will be compelled to abandon their homesteads, lose their improvements and forfeit the payments heretofore made; and

WHEREAS, owing to said failures of crops, and owing to the fact that title to said lands cannot be acquired until the full appraised value thereof is paid, the settlers aforesaid are unable to obtain credit for the necessities of life, and because of lack of title are unable to borrow money with which to sustain themselves; and

WHEREAS, if said lands were subject to the provisions of the Homestead Laws, where title could be obtained without payment of the appraised value, these settlers could obtain credit, and could readily borrow money with which to sustain life and continue the cultivation of their homesteads:

THEREFORE, BE IT RESOLVED, by the House of the Seventeenth Legislative Assembly, in regular session assembled, the Senate concurring, that we hereby petition the Congress of the United States to amend the Act of Congress, approved May 30, 1908, to the end that no payments be required from entrymen of lands within the territory formerly the Fort Peck Indian Reservation, and that settlers and entrymen upon said lands be required only to comply with the homestead and desert land laws of the United States, and further, that such other immediate relief be extended as may be deemed necessary;

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the Secretary of the Interior, the Commissioner of Indian Affairs, the Secretary of Agriculture, and to the Clerk of the House of Representatives of the United States, and to each United States Senator and members of the House of Representatives from the State of Montana.

Approved February 21, 1921.

SUBSTITUTE FOR HOUSE JOINT MEMORIAL NO. 7.

Resolution Memorializing Congress for the Passage of the Legislation Now Pending Before Congress for the Care and Rehabilitation of Our Soldiers, Sailors, and Marines, Who Were Injured in the Late War.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, the first duty of the American people should be the care and rehabilitation of our soldiers, sailors and marines, who were injured in the late war; and

WHEREAS, thousands of these men are now quartered in temporary buildings that were built during the war and are now unfit for hospitals; and

WHEREAS, thousands of these men have suffered inattention

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from the Bureau of Public Health. Thousands, who should have been taking vocational training, have become discouraged, and thousands have not received compensations to which they were justly entitled, because of the maze of red tape and duplication required because of the fact that the Bureau of War Risk Insurance, the Rehabilitation Section of the Public Health Service, and the Board for Vocational Education are under separate heads and each requires almost identical proofs of a man's disability and service; and

WHEREAS, certain inequalities and injustices are the result of existing laws.

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the Seventeenth Legislative Assembly of the State of Montana, the Senate concurring therein, that we do hereby petition the Congress of the United States for the passage of the legislation now pending before that body, relating to injured ex-service men as follows:

First. Watson Bill (H. R. 13558) providing for the establishment of Fourteen Regional Offices of the War Risk Bureau and as many sub-offices as deemed necessary; authorizing the Post Office Department to collect premiums on Government Insurance; and, relieving from payment of premiums all disabled men in receipt of hospitalization after discharge from military service.

Second. Stevenson Bill (H. R. 10835) providing for the retirement of disabled emergency or reserve corps officers, on the same basis as that granted to officers of the Regular Army.

Third. Hospitalization; France Bill (S. R. 4357) appropriating Twenty-nine Million Five Hundred and Thirty Thousand Dollars ($29,530,000.00) for the building of new hospitals, Langely Bill (H. R. 14315) appropriating Ten Million Dollars ($10,000,000.00) for the building of new hospitals.

Fourth. Rogers-Capper Bill, providing for the consolidation of the Bureau of War Risk Insurance, the Rehabilitation Section of the Public Health Service and the Federal Board for Vocational Education, under the jurisdiction of the Department of the Interior.

Fifth. The Walsh Bill, (S. B. 4695) providing for the establishment of a Board of Appeals in each state to which disabled men may appeal from any award made by the Government, and providing a time within which the Bureau of War Risk Insurance must make an award of compensation.

BE IT FURTHER RESOLVED, that a copy of this Memorial be transmitted by the Secretary of the State of Montana to the Senators and Representatives in Congress from the State of Montana, with the request that they use every effort within their power to bring about the enactment of said legislation.

Approved March 5, 1921.

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HOUSE JOINT MEMORIAL NO. 9.

Memorializing the Congress of the United States, the Secretary of State of the United States and the Secretary of the International Joint Commission, and Relating to the Interpretation of the Treaty Between Great Britain and the United States, Proclaimed May 13th, 1910, Adjudicating the Division of the Waters of St. Mary's River and Milk River, Said Interpretation Being Inequitable and Not Contemplated Nor the Intent of Either Contracting Party at the Time of Negotiations; and Urging Upon the Congress, the Secretary of State of the United States, and the Secretary of the American Side of International Joint Commission, the Necessity of a Hearing at an Early Date Before the Said International Joint Commission at Some Point Within the Milk River Valley, the Milk River Valley Irrigation Project Containing Approximately 300,000 Acres of Irrigable Lands, at Which Hearing the Opportunity to Secure an Equitable Interpretation May be Had.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, by the terms of Article VI of the Treaty between the United States and Great Britain, dated January 11, 1909, and promulgated February 2, 1912, provision is made for the division and apportionment of the waters of St. Mary's and Milk Rivers between the two countries; and

WHEREAS, both of said rivers have their source within the State of Montana and the waters thereof are of vital necessity for the irrigation of the lands of the Milk River Valley; and

WHEREAS, the international Boundary Commission charged with the duty of dividing, apportioning and administering the waters of the said rivers have been unable to construe the said Article VI in a manner satisfactory to the High Contracting parties, and

WHEREAS, several hearings have been held at which arguments have been presented by representatives of both countries, and

WHEREAS, all such hearings have been held at points remote from the region most directly interested and concerned so that no considerable numbers of witnesses most vitally concerned could attend, and be heard except at relatively enormous expense and inconvenience, therefor:

BE IT RESOLVED, that the House of Representatives of the State of Montana, the Senate concurring, does respectfully petition Congress, the Secretary of State of the United States and the Secretary of the American side of the International Boundary Commission, that an early hearing of the said International Boundary Commission should be held in the Milk River Valley in the vicinity

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of the streams on which the controversy arose, and in the locality of the lands most vitally affected; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent by the Secretary of the State of the State of Montana, to the Secretary of the American side of the said Boundary Commission and the Senators and Representatives of Montana in Congress, and to the Secretary of State of the United States.

Approved March 5, 1921.

HOUSE JOINT MEMORIAL NO. 11.

A Memorial to the United States Senate and House of Representatives Framed for the Passage of Legislation Providing for the Opening of the Belknap Indian Reservation and the Allotment of the Lands Embraced Therein.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, Legislation is now pending before the Congress of the United States providing for the allotment of the Indian lands located within the Belknap Indian Reservation within the State of Montana, and for the opening up of said reservation to settlement; and,

WHEREAS, The passage of such legislation would be vastly beneficial to the Indians resident upon said reservation, and to the inhabitants of the State of Montana, for the reason that it would definitely establish the tracts set aside for the Indians entitled to said lands, so that they might proceed to permanently improve and develop said lands; that it would likewise have a tendency to make the Indians resident upon said reservation, many of whom served this country as soldiers in the recent World War, more independent and self-reliant.

NOW, THEREFORE, BE IT RESOLVED, By the House and the Senate concurring that we, the members of the Seventeenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Congress of the United States to enact the legislation referred to, and such legislation as may be necessary to accomplish the opening up and allotment of the lands within said Belknap Indian Reservation; and,

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of the State of Montana to the Senate and to the House of Representatives of the United States and to the Senators and Representatives from the State of Montana in Congress.

Approved March 1, 1921.

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HOUSE JOINT MEMORIAL NO. 13.

Being a Memorial Directed to the Interstate Commerce Commission, Calling Attention to Prohibitory Freight Rate on a Certain Commodity from Montana to Terminal Eastern Markets, and Praying That the Present Rate of 76 Cents Per Hundred be Reduced to 46 Cents Per Cwt.

WHEREAS, There are some 700 car loads of potatoes in warehouses and pits in Montana which were produced when the cost peak of production was at its highest in 1920; and

WHEREAS, This commodity must be marketed within a very short time or become a source of immense loss and waste to the farmer, and therefore a consequent loss to the consuming public; and

WHEREAS, There is at present a profitable market in the eastern terminals for this commodity, were it not for the present rate of 76 cents per cwt.; therefore,

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that your honorable body, the Interstate Commerce Commission, at once fix the rate on this commodity at 46 cents per cwt. this being the rate in 1918, to the end that waste in a staple food product might not occur, and that the Montana producer might realize a price that will in a measure at least be commensurate with the high cost of production under which this product was grown;

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded to the Interstate Commerce Commission by the Board of Railroad Commissioners of the State of Montana.

Approved February 18, 1921.

HOUSE JOINT MEMORIAL NO. 14.

Memorial to the Congress of the United States, to Enact Such Legislation as May be Necessary to Impose an Import Duty on Chrome Ore for the Protection of Producers of Chrome Ore Withir the United States.

To the Honorable Senate and House of Representatives in the Congress of the United States of America; Your Memorialists, the Members of the Seventeenth Legislative Assembly of the State of Montana, the Senate and House Concurring, Respectfully Represent:

WHEREAS, during the war between the United States and the Imperial German Government and her allies, certain western mining states of the union did develop and produce large quantities of chrome ore; and

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WHEREAS, such production was at the request and for the benefit of the Government of the United States while so engaged in said war, and so made possible by the price then prevailing upon such ores, due to the fact that foreign ores were not then being imported into the United States; and

WHEREAS, since the cessation of hostilities such quantities of chrome ore have been, and are now, being imported into the United States at prices far below what domestic ores can be placed upon the market for; and

WHEREAS, those mining enterprises in the western states, including the State of Montana, have spent large sums of money in the development of chrome ore, and other like ores, and have been unable to operate their respective properties since the cessation of hostilities by reason of the large influx of foreign ores, and if such importation is to continue, the domestic mining enterprises of chrome ores will be unable to compete with foreign producers, and large sums of money heretofore invested in the development of these mining enterprises will be lost to the American people; and

WHEREAS, the only means of restoring such domestic mining enterprises to the profit of both the laborer and capital of the United States, is to place a tariff on the importation of chrome ore into the United States, and in order to stimulate and keep alive such industry, it is the judgment of this Legislative Assembly that a tariff should be assessed against all importations of chrome ore in such an amount as will enable the domestic producers of chrome ore to compete with foreign producers;

THEREFORE, be it resolved, that it is the sense of this Legislative Assembly, that the government of the United States should, at the earliest possible moment, place a tariff upon the importation of chrome ore in such an amount as will protect the domestic producers of such ore; and

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the Senate and House of Representatives of the United States and to our Senators and Representatives in Congress.

Approved March 5, 1921.

HOUSE JOINT MEMORIAL NO. 16.

Memorial Concerning House Bill No. 10925, Known as the Shepherd-Towner Bill Now Pending Congressional Action.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialist, the members of the Seventeenth Legislative Assembly of the State of Montana, the Senate and House Concurring, respectfully represent:

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WHEREAS, it is the belief of this Assembly that the deaths of 15,000 women who annually sacrifice their lives in child-bearing in the United States constitute a serious reflection upon our humanitarianism and educational facilities; and

WHEREAS, approximately 150 mothers die each year in Montana from ignorance of natal hygiene or from inability to secure proper care and attention; and

WHEREAS, this number constitutes two and one-half per cent (2½%), of the total deaths in Montana, or one out of each 40, from all causes; and

WHEREAS, we believe that child-bearing should not continue to be a journey into the valley of the shadow of death, and

WHEREAS, House Bill No. 10925 known as the Shepherd-Towner Bill now pending congressional action, and designed to inaugurate a campaign for the education, protection and relief of expectant mothers through a Federal central agency, and to offer Federal aid to states for localized campaigns, is proposed as a corrective measure:

THEREFORE, BE IT RESOLVED, that we urge early enactment of this measure by Congress and its support by our own representatives in that body;

RESOLVED FURTHER, that a copy of this Memorial be forwarded by the Secretary of State of the State of Montana, to the Senate and House of Representatives of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Montana Senators and Representatives in the Congress of the United States.

Approved March 5, 1921.

HOUSE JOINT RESOLUTION NO. 1.

A Resolution Memorializing Congress for the Passage of Legislation Authorizing the State of Montana to Lease State Lands for Such Periods and on Such Terms and Conditions as Provided by the Legislative Assembly of the State of Montana.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, under the Act of Congress approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States, commonly known as the 'Enabling Act'", the

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State of Montana is restrained from leasing State Lands for periods of more than five years; and

WHEREAS, for the purposes of properly developing the State lands and accomplishing for the State of Montana the greatest benefits from the leasing of the State lands granted to the State by the United States, particularly lands now considered as having real or potential value for stone, coal, oil, gas, other hydro-carbons, and other minerals, the said limitation of five year leases contained in the Enabling Act is too brief and has resulted in failure of the State lands to be developed for said purposes on an equal footing with public and privately owned lands similarly situated:

NOW, THEREFORE, be it resolved by the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States be and is hereby petitioned to enact suitable legislation amending the said Enabling Act and authorizing the State of Montana to lease her State lands for such periods of time and on such terms and conditions as may be from time to time provided by the Legislative Assembly of the State of Montana:

Provided, however, that in the leasing of lands for agricultural and grazing purposes, the duration of any lease shall not be for a longer period than five years.

BE IT FURTHER RESOLVED, That copies of this Memorial be forwarded by the Secretary of the State of Montana, to the Senate of the United States, and that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and that copies thereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana.

Approved March 5, 1921.

HOUSE RESOLUTION NO. 2.

WHEREAS, during the World War, and at the request of the War Board, the mining states of the Union developed and produced large quantities of manganese ore; and

WHEREAS, said production was at the request and for the benefit of the Government of the United States, while we were engaged in the World War; and

WHEREAS, the price fixed by said War Board was such that this ore could be produced at a small profit; and

WHEREAS, since the cessation of the World War the price fixed has been revoked; and

WHEREAS, those mining enterprises which spent large sums of money in the development of manganese ore and other like ores

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have been unable to operate since the end of the war by reason of the cheap importation of this ore from South America, and if such importation is to continue, large sums of money invested in the development of these mining enterprises will be lost to the American people, and the only thing that can restore these mining enterprises to a profit for labor and capital is to put a tariff on the importation of manganese ore into the United States, and in order to stimulate and keep alive this industry, it is the judgment of this assembly that a tariff should be assessed against all importations of manganese ore of not less than one cent per pound, and that such tariff should be imposed upon importations at the earliest possible moment:

THEREFORE, BE IT RESOLVED, that it is the sense of this legislative assembly that the Government of the United States should, at the earliest possible moment, place a tariff of not less than one cent per pound on all importations of manganese ore into the United States; and

BE IT FURTHER RESOLVED, that a copy of these resolutions be forwarded to the United States Senators and Representatives in Congress from the State of Montana.

Approved February 7, 1921.

HOUSE JOINT RESOLUTION NO. 7.

A Joint Resolution Requesting the State Industrial Accident Board to Investigate the Conditions Governing the Employment of Aged Workmen in the State of Montana and to Report to the Members of the Eighteenth Legislative Assembly Its Findings and Conclusions with Recommendations for or Against Old Age Insurance Legislation.

WHEREAS, the Congress of the United States has enacted legislation establishing compulsory contributory old age and invalidity insurance for the Federal Government's half million employes of the classified Civil Service; and

WHEREAS, the enactment of this legislation by Congress has given a pronounced impetus to the movement for old age insurance legislation by the different states of the union to cover workmen in both public and private employment; and

WHEREAS, the investigations conducted by the United States Emigration Commission disclosed that out of fifty thousand charity organization cases examined over one-third were dependent on account of the infirmities of old age having overtaken the workman before he had been able to gather a competence against his unproductive days; and

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WHEREAS, during the past sixty days official commissions have been appointed in ten states to study the old age problem among wage earners with a view to recommending suitable legislation; and

WHEREAS, official investigations have disclosed that public alms houses and private charity are futile in caring for dependency due to old age and that comprehensive legislation for that purpose is desirable; and

WHEREAS, failure of any state to provide protection through proper legislation for its industrial citizens at the close of their lives of productive work is most deplorable;

NOW THEREFORE, be it resolved by the House of Representatives of the State of Montana, the Senate concurring, that the Seventeenth Legislative Assembly of the State of Montana does hereby request the Industrial Accident Board of the State of Montana to investigate the conditions governing the wage earners of the state of advanced age, and to report the findings and conclusions of the said Industrial Accident Board covering the study made of the old age problem among the state's wage earners, with a view to recommending proper and comprehensive legislation, to the members of the Eighteenth Legislative Assembly.

BE IT FURTHER RESOLVED, that the Secretary of State be and he is hereby instructed to transmit a copy of this Joint Resolution to the Chairman and members of the Industrial Accident Board of the State of Montana.

Approved March 5, 1921.

CHANGES OF NAMES REPORTED IN 1920 AND 1921.

Date of Judgment	Original Name	Name Decreed	Residence
Feb. 24, 1919	Harry Beauchamp Brady	Harry Beauchamp Cornwall Brady	Dillon, Mont.
May 29, 1919	Dillon Dairy Company, a corporation	Rife Ranch Company, a corporation	Dillon, Mont.
Jan. 19, 1920	Jorgen Johnson Arvik	George Johnson	Auburn, Mont.
Nov. 4, 1919	Andrew Sigurd Holm	Andrew Sigurd Holmes	Miles City, Mont.
Nov. 26, 1920	Rudolph Ruud	Rudolph Rudd	Miles City, Mont.
July 6, 1920	Thorvald Knudsen	Thorvald Knudsen Beaver	Helena, Mont.
Oct. 2, 1920	Charles Wakula	Charles Adams	Helena, Mont. 208 N. Rodney Street.
Jan. 22, 1920	Fredjof West	Fred West	Helena, Mont. Templeton Apartments
April 24, 1920	Damaschin Simion Stoia	Dan Simion Stoia	Helena, Mont.
May 4, 1920	Erick Anderson	Erick Sutherland	Philipsburg, Montana.

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APPENDIX.

The following laws were passed by vote of the people at the General Election held November 2nd, 1920:

(Constitutional Amendment)

CHAPTER 149.

Laws of 1919.

"An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section Five of Article Eleven of the Constitution of the State of Montana, Providing that Ninety-Five Per Centum of All the Interest received on the School Funds of the State and Ninety-Five Per Centum of all the Other Income From the School Funds of the State shall Be Apportioned to the Several School Districts of the State; and Further Providing That the Remaining Five Per Centum of All the Interest Received on the School Funds of the State and the Remaining Five Per Centum of All the Other Income From the School Funds of the State Shall Be Added to the Public School Funds of the State and Become a Permanent Part Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Five (5) of Article Eleven (11) of the Constitution of the State of Montana be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section Five (5) of Article Eleven (11) of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

"Ninety-five per centum (95%) of all the interest received on the school funds of the State, and Ninety-five per centum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be apportioned annually to the several school districts of the State in proportion to the number of children and youths between the ages of six (6) and twenty-one (21) residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least six months during the year for which such distribution is made. The remaining five per centum (5%) of all the interest received on the school funds of the State, and the remaining five per centum (5%) of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the State and become and forever remain an inseparable and inviolable part thereof.

Section 3. That separate official ballots be provided at the general election to be held in November, 1920, which shall have printed

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thereon all of Section 5 of Article 11 of the constitution of the State of Montana as amended by this Act. Below the said amended Section on the said ballots there shall be printed.

☐	For the above written amendment to the constitution.
☐	Against the above written amendment to the constitution.

The elector shall indicate his preference by marking an X in the square before the proposition for which he desires to vote. The result of the vote on the said amendment shall be determined and declared as provided by law.

Section 4.. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its approval.

Approved March 7th, 1919.

The above Chapter was approved by the People at the General Election held November 2nd, 1920, and became a Law by virtue of the Governor's Proclamation on December 6, 1920.

FOR 77,093
AGAINST 54,184

C. T. STEWART,
Secretary of the State.

REFERENDUM MEASURE NO. 14.

CHAPTER 190.

Laws of 1919.

"An Act Establishing Athletic Commissions, and Regulating Boxing, Sparring and Wrestling in the State of Montana, and Providing that Fifty Per Cent of the Net Receipts Realized from Such Exhibitions Shall Be Paid into the State Treasury and be Held and Used for the Support and Maintenance of a Home for Returned and Disabled Soldiers, Sailors and Marines of the World War and Providing for a Referendum of said Act at a Special Election to be held on the First Tuesday in September, 1919, under the Provisions of the Laws of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Each county in the State of Montana may have a County Athletic Commission within thirty days after the passage of this Act and its ratification by a majority vote of the people of

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the State of Montana. The District Judge or Judges of the Judicial District of which said county is a part, shall upon the presentation and filing of a petition by one hundred (100) taxpayers of a county, appoint three persons to be members of such Commission, who shall hold office during the term of the District Judge or Judges who appointed said Commission, and until their successors are appointed and qualified, and who shall not receive any salary. Each member of the Commission shall be a qualified elector in the county wherein said Commission is created.

Section 2. The Commission may maintain an office for the transaction of its business at a place to be by it designated. The Commission shall within thirty days after its members have been appointed, meet and elect one of its members Chairman of the Commission, and also elect a Secretary of the Commission, who shall act during the pleasure of the Commission, and who may receive a salary of not to exceed Three Hundred Dollars ($300) per annum, to be paid in monthly installments of not to exceed Twenty-five Dollars ($25) per month, from a fund to be created as hereinafter provided for.

The Commission shall adopt a seal and enact such rules and regulations not inconsistent herewith as the Commission may deem necessary for the proper administration of this Act.

Section 3. It shall be the duty of the Secretary of the Commission to keep a full and correct account of all proceedings of the Commission; to preserve and keep at the office of the Commission all books, documents and papers, and to prepare and serve such notices and other papers that may be required of him by the Commission.

Section 4. It shall be lawful to conduct boxing, sparring and wrestling exhibitions in conformity with and subject to the provisions of this Act. The Commission shall have, and hereby is invested with, the sole direction, management, and control of the jurisdiction over all boxing, sparring and wrestling matches and exhibitions to be conducted, held or given within the county and by any club, corporation or association; and no boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the county except pursuant to its authority and in accordance with the provisions of this Act; provided however, nothing in this Act shall be construed as relating to amateur boxing or wrestling exhibitions conducted in regularly organized gymnasiums. The Commission shall have power to license such boxing, sparring and wrestling clubs as it may deem advisable under such rules and regulations and amendments thereof as it may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the Commission, and shall be verified

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by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and addition thereto, such other facts and recitals, as the Commission may by rule require to be shown.

Section 5. All buildings or structures used or intended to be used, for the purpose of this Act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this Act, this Section shall apply in the same manner.

Section 6. No boxing, sparring or wrestling match or exhibition shall be of more than fifteen rounds in length; and the contestants shall wear during such contests, gloves weighing at least six ounces. No person or persons may take part in the exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the Commission.

Section 7. Any club, corporation or association which may conduct, hold or give, or participate, in any sham or fake boxing, sparring or wrestling match or exhibition shall thereby forfeit its license issued in accordance with the provisions of this Act, which shall therefore be, by the Commission, cancelled and declared void; and it shall not thereafter be entitled to receive another such or any license pursuant to the provisions of this Act.

Section 8. Any contestant who shall participate in any sham or fake boxing, sparring or wrestling match or exhibition shall be penalized in the following manner; for the first offense, he shall be restrained for a period of six months, such period to begin immediately after the occurrence of such offense, from participating in any boxing competition to be held or given by any club, corporation or association duly licensed to give or hold such boxing, sparring or wrestling match or exhibition; for a second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose.

Section 9. Every club, corporation or association which may hold or exercise any of the privileges conferred by this Act, shall within twenty-four hours after the determination of every contest, furnish to the Commission a written report, duly verified by one of its officers, showing the number of tickets sold for said contest, and the amount of the gross proceeds thereof, and such other matters as the Commission may prescribe, and shall also within the

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said time, pay to the County Treasurer a tax of fifty per cent of its total net receipts from the sale of the tickets of admission to such boxing, sparring or wrestling match or exhibition, which sum shall be by the County Treasurer remitted to the State Treasurer to be by him applied to a fund to be created for the support and maintenance of a home for returned and disabled soldiers and sailors of the world war.

In the event no such home is created or established, the State Treasurer shall hold said funds so received by him until such time as an institution is provided for returned and disabled soldiers and sailors of the world war, at which time said funds shall be used for the support and maintenance of such institution, or until January 1, 1929, at which time if no such institution has been created then said sum shall by the State Treasurer be transferred to the school fund of the State of Montana.

Section 10. Before any license shall be granted to any club, corporation, or association to conduct, hold or give any boxing, sparring or wrestling match or exhibition, such applicant therefor shall execute and file with the County Treasurer, a bond in the sum of Five Thousand Dollars ($5,000), to be approved as to form by the county attorney of the county in which said club it situated, and as to the sufficiency of the sureties thereon, by the County Treasurer, which said bond shall be conditioned upon the payment of the tax hereby imposed. Upon the filing and approval of such bond, the County Treasurer shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the Commission with its application for such license and no license shall be issued until such certificate shall be so filed.

Section 11. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this Act or whenever such report is unsatisfactory to the County Treasurer he may examine or cause to be examined the books and records of such club, corporation, or association, for the purpose of determining the total amount of its gross receipts for any contest and the amount of tax due pursuant to the provisions of this Act, which tax he may, upon and as the result of such examination, fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of ten days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the county treasurer, such delinquent club, corporation or association, shall ipso facto, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license, and it shall in addition forfeit to

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the county wherein said club, corporation or association is located, the sum of Five Hundred and no/100 Dollars ($500.00), which may be recovered by the said county, and it shall be the duty of the county attorney to institute an action for said recovery, and which said sum shall be remitted to the State Treasurer to be by him added to the sum herein provided, for the support and maintenance of a home for returned and disabled soldiers and sailors of the world war.

Section 12. Any person who violates any of the provisions of this Act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

Section 13. There shall be a referendum upon this Act, and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1 of the Constitution of the State of Montana to the people of the State, for their approval or rejection at the next election held in the State of Montana, whether such general election be a special election or the general election provided by law. Separate ballots shall be used at such special or general election which shall have printed thereon the words: "For an Act establishing Athletic Commissions, and regulating boxing, sparring and wrestling in the State of Montana, and providing that fifty per cent of the net receipts realized from such exhibitions shall be paid into the State Treasure and be held and used for the support and maintenance of a home for returned and disabled soldiers, sailors, and marines of the World War" and the words "Against an Act establishing Athletic Commissions, and regulating boxing, sparring and wrestling in the State of Montana, and providing that fifty per cent of the net receipts realized from such exhibition shall be paid into the State Treasure and be held and used for the support and maintenance of a home for returned and disabled soldiers, sailors, and marines of the World War" and each elector shall designate a preference for either of the provisions by making an X before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed, and determined as provided by the general election laws of the State of Montana.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 15. This Act shall be in full force and effect from and after its passage, provided, the same shall be ratified by a majority vote of the people of the State of Montana voting at the next election, whether general or special, held in the State of Montana.

Approved March 10, 1919.

The above Chapter was approved by the People at the General

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Election held November 2nd, 1920, and became a Law by virtue of the Governor's Proclamation December 6, 1920.

FOR 82,827
AGAINST 65,928

C. T. STEWART,
Secretary of State.

INITIATIVE MEASURE NO. 18.

"A Bill to enact by the Initiative a law to increase the rate of taxation on real and personal property for state purposes one and one-half (1½) mills on each dollar of valuation for a period of ten years, beginning with the year 1921, and to authorize and empower the Legislative Assembly to levy a tax for each year during such period of not exceeding three and one-half (3½) mills on each dollar of valuation, and to appropriate the money derived from one and one-half (1½) mills of such levy for each year during such period for the support, maintenance and improvement of the institutions now comprised in the University of Montana."

Be It Enacted by the People of Montana:

Section 1. That the rate of taxation on real and personal property for state purposes for each year for a period of ten (10) years, beginning with the year 1921, shall be increased one and one-half (1½) mills on each dollar of valuation, and the Legislative Assembly is authorized and empowered to levy a tax for state purposes for each of said years of not exceeding three and one-half (3½) mills on each dollar of valuation for state purposes, and all money derived from one and one-half (1½) mills of such levy for each of such years shall be appropriated by the Legislative Assembly for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, and the Montana State Normal College at Dillon, now comprised in the University of Montana.

Section 2. This act shall be in full force and effect from and after its approval, and proclamation, as provided by law.

The above Measure was approved by the People at the General Election held November 2nd, 1920, and became a Law by virtue on the Governor's Proclamation, December 6, 1920.

FOR 82,669
AGAINST 71,169

C. T.. STEWART,
Secretary of State.

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INITIATIVE MEASURE NO. 19.

"A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon."

Be It Enacted by the People of Montana:

Section 1. That the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue bonds in the name of the State of Montana, in an amount not exceeding Five Million Dollars ($5,000,000), in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing and equipping necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena.

Section 2. Such bonds shall be issued in series from time to time, and at such times and in such amounts as may appear to said Board of Examiners, in the exercise of its judgment and discretion, to be for the best interests of the State necessary for the erection,

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repair, and equipment of necessary buildings at the institutions under the control of the State Board of Education; provided, however, that no series of said bonds shall be issued or sold by the State Board of Examiners unless the State Board of Education shall have first determined the necessity therefor and the amount thereof and requested the State Board of Examiners to issue and sell the same.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the State Board of Examiners at the time the same are authorized to be issued under the provisions of this act, shall bear date as of the day of issuance thereof, shall become due and payable twenty (20) years from their date and be redeemable at the option of the State Board of Examiners at any time after ten (10) years from their date at any interest paying period, and shall bear interest at the rate of not exceeding five and one-half percentum (5½%) per annum, payable semi-annually, on such dates as may be determined and fixed by the State Board of Examiners, at the office of the State Treasurer of the State of Montana; provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the State Board of Examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same dates as the interest on such first series of bonds shall become due and payable, and in order so to do the State Board of Examiners may provide that the first interest shall be due and payable at a date less than six months after the date of the issuance of such series.

Section 4. The State Board of Examiners shall prescribe the form of such bonds, and the bonds of each series shall bear upon their face the words "Educational Bonds of the State of Montana," with a letter or figure to designate the series thereof, and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of the State Board of Examiners, and the signing of said coupons with said facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Section 5. The bonds provided for in this act shall be disposed of by the State Board of Examiners in such a manner as they shall deem for the best interests of the State in carrying out the provisions of this act, provided, that no bond shall be disposed of for less than its par value.

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Section 6. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the State Treasury, and shall constitute a special fund for the construction, repair, and equipment of necessary buildings at the State University, the College of Agriculture and Mechanic Arts, the Montana State School of Mines, and the Montana State Normal College, now comprised in the University of Montana, and the State Orphans' Home, the Montana School for the Deaf and Blind, the Montana State Industrial School, and the State Vocational School for Girls, and shall be expended only for the construction, repair, and equipment of necessary buildings at said institutions, and shall be disbursed by the State Treasurer on warrants properly drawn against such fund by the State Auditor pursuant to the order of the State Board of Examiners. Provided, however, that from the moneys derived from the sale of all of said bonds not more than Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000) shall be expended for the construction, repair, and equipment of buildings at the several institutions now comprised in the University of Montana, and not more than One Million Two Hundred and Fifty Thousand Dollars ($1,250,000) thereof shall be expended for the construction, repair, and equipment of necessary buildings at the State Orphans' Home, the Montana School for the Deaf and Blind, the Montana State Industrial School, and the State Vocational School for Girls; provided, further, that the money derived from the issuance and sale of any one series of said bonds may be applied wholly to the construction, repair, and equipment of buildings at the institutions now comprised in the University of Montana, or to the construction, repair, and equipment of buildings at the State Orphans' Home, the Montana School for the Deaf and Blind, the Montana State Industrial School and the State Vocational School for Girls, or the money derived from any one series of said bonds may be apportioned and part thereof applied to the construction, repair, and equipment of buildings at the institutions now comprised in the University of Montana, and part thereof applied to the construction, repair, and equipment of buildings at said other educational institutions, it being intended that the money derived from the issuance and sale of said bonds shall be expended for the construction, repair, and equipment of necessary buildings at the aforesaid institutions at such times, and in such amounts as the State Board of Education shall deem necessary, but that when the whole of said amount shall have been expended not more than Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000) thereof shall have been expended for the construction, repair, and equipment of buildings at the several institutions now comprised in the University of Montana, and not more than One Mil-

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lion Two Hundred and Fifty Thousand Dollars ($1,250,000) thereof for the construction, repair, and equipment of buildings at the State Orphans' Home, the Montana School for the Deaf and Blind, the Montana State Industrial School and the State Vocational School for Girls.

Section 7. That there shall be and there is hereby levied annually upon all property in the State of Montana subject to taxation, an ad valorem tax of ten-twelfths (10/12ths) of one (1) mill on each dollar of the assessed valuation of such property, which tax when collected by the County Treasurers of the several counties of the State, shall be by them accounted to and paid into the State Treasury of the State of Montana and by the State Treasurer placed in the State Educational Bond Sinking and Interest Fund, which fund shall be used exclusively for the payment of the principal of, and the interest accruing on, said bonds.

Section 8. This act shall be in full force and effect from and after its approval and proclamation, as provided by law.

The above Measure was approved by the People at the General Election held November 2nd, 1920, and became a Law by virtue on the Governor's Proclamation December 6, 1920.

FOR 90,441
AGAINST 66,237

C. T. STEWART,
Secretary of State.

NOTE:

The following Measures were rejected by popular vote at a General Election held November 2nd, 1920, the vote being as indicated:

Constitutional Amendments:

For: "An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 20 of Article 7 of the Constitution of the State of Montana Creating a Board of Examiners and Defining and Prescribing its Powers and Duties; Authorizing the Legislative Assembly to Create a Board of Administration and Defining and Prescribing its Powers and Duties; and Authorizing the Legislative Assembly to Create such Administrative Departments as the Interests of the State May Require and in Creating such Departments, the Legislative Assembly May Consolidate or Abolish any Boards, Offices and Bureaus Created by Statutory Law, and Define and Prescribe their Functions, Powers and Duties." 51,072

Against the above written amendment to the Constitution..72,870

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For: "An Act for the Submission to the Qualified Electors of the State of Montana of an amendment to Section 15 of Article XII of the Constitution as Amended; Creating County Boards of Equalization, and a State Tax Commission, and Defining their Powers and Duties." 58,571

Against the above written amendment to the Constitution..72,161

Initiative and Referendum Measures:

For: Referendum No. 13, "An Act to Provide for Nominations of Candidates of the Different Political Parties by Direct Vote and to Provide for the Election of Delegates and Alternate Delegates to State Conventions and Providing for the Holding of the State Convention and for the Nomination of Candidates Thereat, and for the Selection of County and State Committeemen of Political Parties, and to Provide for the Manner of the Organization of New Political Parties, and to Provide for Independent Nominations, and to Repeal Initiated Bill Entitled: 'A Bill to Propose by Initiative Petition a Law to Provide for Party Nominations by Direct Vote,' Approved and Passed by the People of Montana at the General Election of 1912; and to Repeal Initiated Bill Entitled: 'A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States at Presidential Conventions and the Nomination of Presidential Electors by Direct Vote,' Passed by the People of Montana at the General Election of 1912, and Providing for a Referendum of Said Act at a Special Election and Providing for a Special Election to Be Held on the First Tuesday in September, 1919, and Providing that Said Special Election Shall be Held Under the Provisions of the Laws of the State of Montana, and Providing the Time When Said Act Shall Take Effect." 60,483

Against said Referendum 77,549

For: Referendum Measure No. 15; "An Act to amend Sections 2, 3, 10, 16, 21, and 32, and to repeal Sections 20 and 22 of the law initiated and passed by the people of the State of Montana at the general election of 1912, entitled, 'A bill to propose by initiative petition a law to provide for party nominations by direct vote,' and to add three new sections thereto to be known as Sections 3A, 3B and 3C; and declaring this Act to be an emergency law and a law necessary for the immediate preservation of the public health, peace and safety." 66,131

Against said Referendum 74,079

For: Referendum Measure No. 16; "An Act to repeal Initiative measure entitled: 'A bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference of party candidates for President and

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Vice-President of the United States, the election of delegates to Presidential conventions, and the nomination of Presidential electors by direct vote,' initiated and passed by the people of Montana at the general election of 1912; and declare this Act to be an emergency law necessary for the immediate preservation of the public peace and safety." 60,793

Against said Referendum 80,023

For: Initiative Measure No. 20; "An Initiative Bill to authorize the State of Montana to have control over the financing of irrigation districts and the construction and acquisition of irrigation systems therein; authorizing the State of Montana to become indebted, and providing for the issuance of bonds for $20,000,000, as State obligations, to create the 'Montana Irrigation Development Fund' for the purchase of irrigation district bonds; prescribing the duties of the State Board of Examiners relative to the issuance of such bonds, the sale of irrigation district bonds, and investment of money in 'Montana Irrigation Development Fund'; and providing a method for administering this Act." 68,785

Against said Initiative Measure 76,949

For: Referendum Measure No. 23; "An Act authorizing the State of Montana to become indebted in the sum of Fifteen Million Dollars ($15,000,000) in excess of the constitutional limit over and above any bonded indebtedness heretofore incurred or created and for which said State is now obligated; providing for the issuance and sale of bonds of and in the name of the State of Montana, in the sum of Fifteen Million Dollars ($15,000,000) to acquire funds for the construction and building of public highways to be known and designated as State Highways; prescribing the form of such bonds; providing for the creation of a fund to pay the principal and interest of said bonds by levying a sufficient annual tax to pay the principal and interest accruing thereon and such portion of the money derived from license fees on motor vehicles, as the Legislature may set aside for that purpose from time to time. Providing for the submission to the qualified electors of the State of Montana at the next general election the question of the issuance of such bonds and describing the form of ballots to be used and the duties of the State Board of Examiners relative to the issuance of such bonds and the duties of the Secretary of State of Montana relative to the submission of said question to the qualified electors of said State." 55,276

Against said Referendum 89,823

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LAWS, RESOLUTIONS AND MEMORIALS

OF THE

STATE OF MONTANA

PASSED BY THE

SEVENTEENTH LEGISLATIVE ASSEMBLY

Meeting in Extraordinary Session at Helena, the Seat of Government of said State commencing March 5th, 1921 and ending March 22nd, 1921.

PUBLISHED BY AUTHORITY

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10	8	Senate	An Act Establishing a State Highway Commission, Prescribing the Powers and Duties Thereof, and Authorizing the Construction, Maintenance, Repair and Marking of Public Roads and Bridges; Creating a State Highway Fund and a State Highway Trust Fund; Imposing Certain Duties Upon County and Local Road Officials; Assenting to the Federal Aid Road Act of Congress Approved July 11, 1916, and Authorizing the State Highway Commission to Co-operate with the United States Government in the Construction of Roads and Bridges; and Repealing Chapter 170 Session Laws of the State of Montana; and Repealing Senate Bill No. 141 Approved by the Governor on March 5, 1921, of the Session Laws of the Seventeenth Legislative Assembly of the State of Montana	752
11	11	Senate	An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section Fifteen of Article Twelve of the Constitution of the State of Montana, as Amended; Creating County Boards of Equalization and a State Board of Equalization, and Defining and Prescribing Their Powers and Duties	760
12	17	House	An Act Providing for the Disposition and Use of Moneys Derived from Bonuses, Royalties, and Rentals Paid in to the Treasury of the United States on Account of Permits or Leases Granted by the United States as Provided by the Act of Congress of February 25, 1920 (Public No. 146) and Paid by the Secretary of the Treasury of the United States to the State of Montana	762
13	34	House	An Act Authorizing and Directing the Borrowing of Three Million Dollars ($3,000,000.00) by the State of Montana for the Purpose of Paying Outstanding Claims and Accruing Claims, Charges and Appropriations Against the General Fund of the State of Montana, Making Provisions as to the Terms and Conditions Thereof, and Directing the Disposition of the Proceeds Thereof; Providing for the Repayment of the Same and the Interest Thereon and Creating, for the Purpose of Such Repayment from the Moneys Accruing from Taxes Levied for General State Purposes for the Years 1921 and 1922, a Special Fund to be Known as the "Treasury Note Redemption Fund" and Making an Appropriation for Such Repayment; Authorizing	

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			and Directing the Issuance of a Series of Treasury Notes for Said Loan, Fixing the Form Thereof, Making an Appropriation for the Payment of All Expenses Incident to Negotiation of Said Loan and the Issuance of Said Notes; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.....	764
14	2	House	An Act to Establish a Tax on Direct and Collateral Inheritances, Bequests and Devises; to Provide for Its Assessment and Collection; and Directing the Disposition of the Proceeds Thereof; and Repealing, Subject to Certain Reservations, Sections 7724 to 7751, Both Inclusive, of the Revised Codes of 1907.....	772
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By the Governor of the State of Momtana

A PROCLAMATION

The Constitution of the State of Montana, having made it the duty of the Governor to convene the Legislative Assembly in extraordinary session, when, in his judgment, the occasion for such action shall arise, and the regular session of the Seventeenth Legislative Assembly having reached the constitutional limit for its meetings with a great amount of legislation necessary to meet the present acute financial situation of the state government having failed of enactment, it seems imperative that immediate relief be given at this time.

It appearing to me that this legislation can be accomplished more economically and expeditiously at this time than at some future period, when the calling of an extra session would involve a heavy additional expense in the matter of mileage:

NOW THEREFORE, I, Jos. M. Dixon, as Governor of the State of Montana, under and by virtue of the authority vested in me by the Constitution and Statutes, do hereby convene the Seventeenth Legislative Assembly in Extraordinary Session at the City of Helena, the Capital of the State of Montana, at the hour of twelve o'clock, noon, on SATURDAY, THE FIFTH DAY OF MARCH, 1921, for the purpose of considering the contingencies and emergencies hereinbefore mentioned and for the necessary enactment of laws upon the following subjects:

First. To provide proper legislation for the unfortunate victims of tuberculosis at the State Sanitarium, for which no adequate provision has been made during the regular session of the Seventeenth Assembly.

Second. For abolishing the office of one judge in the Fifth Judicial District, now vacated by the death of the former incumbent, which alone will save the State of Montana about $40,000.00 during the coming quadrennium.

Third. For the enactment of a law providing machinery for the supervision and more equitable collection of about $25,000,000.00 in taxes that are now imposed upon the people of this State for the support of city, county and state governments, and for which no adequate machinery has been provided.

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Fourth. For providing for additional revenues for the maintenance of the public schools of Montana, by imposing a more equitable tribute from the State's natural resources of mineral oil.

Fifth. For the enactment of a more equitable and scientific inheritance tax law.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL) DONE at the City of Helena, the Capital, this the fourth day of March, in the year of our Lord one thousand nine hundred twenty-one, and of the independence of the United States of America the one hundred forty-fifth.

By the Governor: JOS. M. DIXON.

C. T. STEWART,
Secretary of State.

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SESSION LAWS

Extraordinary Session Seventeenth Legislative Assembly, 1921.

CHAPTER 1.

An Act Providing the Method of Selecting a National Committeeman by the State Central Committee of Political Parties.

Be it enacted by the Legislative Assembly of the State of Montana:

National committeeman, how elected.

Section 1. The State Central Committee of each political party in the State of Montana shall select one national committeeman, who shall represent said political party as a member of the National Committee of said party; said committeeman shall be selected in each year in which a president and vice-president of the United States are elected, and such selection shall be made prior to the meeting of the national conventions of the respective political parties, and said committeeman shall hold office for a term of four years.

Term of office.

When to be elected.

Section 2. Upon the passage and approval of this Act, the State Central Committee of each political party shall select a national committeeman who shall hold office from the date of his selection until the year 1924, and until the selection of his successor.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1921.

CHAPTER 2.

An Act Authorizing the Codification of the Acts Passed by the Seventeenth Extraordinary Legislative Assembly of Montana of 1921.

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Be it enacted by the Legislative Assembly of the State of Montana:

Codification of Extra Session Laws.

Section 1. The Code Commissioner of Montana is hereby authorized and directed to include and codify in the Revised Codes of Montana of 1921, the laws passed by the Seventeenth Extraordinary Legislative Assembly of 1921.

Publication of Extra Session Laws.

Section 2. The Secretary of State shall publish the Acts of the Seventeenth Extraordinary Legislative Assembly of 1921 in the same book with the Acts of the regular session of said Legislative Assembly.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1921.

CHAPTER 3.

An Act Relating to and Regulating the Sale of Coal Within the State of Montana; Requiring all Persons, Firms, Associations and Corporations Engaging in or Carrying on the Occupation or Business in This State of Retailing, or Selling at Retail, Coal of Any Kind, to Pay to the State Treasurer for Engaging in or Carrying on Such Occupation or Business, Certain License Fees for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Fees and Prescribing a Method for the Assessment and Collection Thereof; Prescribing Penalties for Violations of This Act; and Repealing Chapter 80, Acts of Twelfth Legislative Assembly of the State of Montana, Entitled, "An Act Relating to, and Regulating the Sale of Coal Within the State of Montana, Requiring all Persons, Associations or Corporations Retailing, or Selling at Retail, Coal of Any Kind, to Take Out a License, and Providing Penalties for Violation of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

"Person," defined.

Section 1. The term "person", as used in this Act means and includes every individual, firm, association, joint stock company, syndicate and corporation; and the

"Mine operator," defined.

term "mine operator" as used in this Act means every

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person who engages in the business in this State of working or operating any mine or mining property from which coal of any kind is mined, extracted or produced, whether such person shall engage in such business as owner, lessee, trustee, receiver, or in any other capacity, but shall not mean or include a laborer or employee employed to work in or about any such mine or mining property.

Section 2. Every person who engages in or carries on the occupation or business in this State of retailing, or selling at retail coal of any kind must, for the year 1921, and annually each year thereafter when engaged in such occupation or business, procure from the State Treasurer a license to engage in and carry on such occupation or business in this State, and shall annually pay to the State Treasurer for such license a fee of One Dollar ($1.00), together with an additional sum or amount equal to five (5) cents a ton for each and every ton of coal containing two thousand (2,000) pounds sold by such person during such year and for the mining of which coal no "mine operator" has paid, or assumed liability for the payment of, any license fee to the State of Montana under any law of this State.

License to retail coal.

Fees.

Section 3. Each and every person engaged in or carrying on such occupation or business in the State of Montana at the date when this Act becomes effective must, not later than the 30th day of April, 1921, and every person who shall engage in or carry on such occupation or business after the date when this Act becomes effective must immediately after engaging in such occupation or business, make out and file with the State Board of Equalization a certificate and statement, on forms prescribed by the State Board of Equalization, which shall contain the name under which such person is engaging in and carrying on such occupation and business in this State, giving the location of each place of business of such person, the name and address of the managing agent in this State, if an association, joint stock company, syndicate or corporation; or, if a firm or co-partnership the names and addresses of the persons composing the same; if an association, joint stock company, syndicate or corporation, under the laws of what State organized, its principal place of business, and the names and addresses of its principal officers, and such other information as the State Board of Equalization may require.

When statement to be filed.

Contents of.

Section 4. The said license fee of One Dollar ($1.00),

License fee paid when.

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shall be paid by each person within thirty days after the end of the quarter ending March 31st in each year, and such additional license fee of five (5) cents per ton shall be paid in quarterly installments for the quarters ending March 31st, June 30th, September 30th and December 31st in each year, beginning with the quarter ending March 31st, 1921, and the total amount of such license fees becoming due for any quarter shall be paid to the State Treasurer within thirty days after the end of the quarter for which the same is due.

Quarterly installments.

Record of coal sold for retail.

Section 5. Each and every person engaging in or carrying on such occupation or business in this State shall keep a record showing all coal purchased or received by or delivered to such person for sale by such person at retail in this State for the mining of which coal no "mine operator" has paid, or assumed liability for the payment of, any license fee to the State of Montana under any law of this State, which record shall show the date of each purchase or delivery, the number of tons contained therein, and the name of the person from whom the same was purchased or received, which records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents, or employees.

Contents of.

Statement of coal sold, made when.

Section 6. Each and every person must, within thirty days after the quarter ending March 31st, 1921, and within thirty days after the end of each following quarter, make out in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of tons of coal sold by such person during such quarter for the mining of which no "mine operator" has paid, or assumed liability for the payment of, any license fee to the State of Montana under any law of this State, together with the total amount due to the State of Montana as license fees from such person for such quarter; and must within such thirty days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer the amount of the license fees shown by such statement to be due to the State of Montana for the quarter for which said statement is made. Such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice president, treasurer, assistant treasurer or managing agent in this State of the association, joint stock company, syndicate or cor-

License fee included

Form of statement.

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poration making the same. The State Treasurer shall file one copy of such statement in his office and deliver the other copy thereof to the State Board of Equalization. Where filed.

Section 7. It shall be unlawful for any person to fail, neglect or refuse to file any statement or certificate required by this Act in the manner or within the time required, or to make any such statement or certificate false in any particular. Unlawful acts, what are.

Section 8. If any person shall fail, neglect or refuse to make or file the statement required by Section 6 of this Act, within the time required, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself, as best it may, regarding the matters required to be set forth in such statement, and shall fix and determine the amount of the license fees due from such person for such quarter, and shall make out a statement in duplicate showing such matters, and the amount of such license fees, and shall add to the amount of such license fees twenty-five per centum (25%) thereof as a penalty, and deliver one of such statements to the State Treasurer, who shall proceed to collect the amount of such license fees, with the penalty added thereto, and interest on the whole thereof at the rate of twelve per centum (12%) per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon the request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same. On failure to file, Board of Equalization to determine license tax. Penalty added. State Treasurer to collect. Attorney General to collect by suit.

Section 9. All licenses issued under the provisions of this Act shall expire on the 31st day of December following the date of issuance. Expiration of license.

Section 10. In all sales of coal the person selling the same must give to the purchaser full weight at the rate of two thousand (2,000) pounds to the ton. Full weight.

Section 11. No person, association, firm, joint stock company, syndicate or corporation shall misrepresent to the public respecting any coal offered for sale, nor sell coal of any particular name or from any particular mine under the name or designation of another coal or mine. Misrepresentation in sale.

Section 12. The State Board of Equalization shall have the power to revoke the license of any person upon Revocation of license by Board of Equalization.

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the conviction of such person of the violation of any of the provisions contained in Section 10 or 11 of this Act, but no revocation shall be made until due notice of the intention of the State Board of Equalization so to do shall have been given to such person and such person afforded an opportunity to appear before such State Board of Equalization and show cause why such license should not be revoked.

Invoice of coal sold.

Section 13. Every "mine operator" shall make out and deliver to every person to whom any coal is sold or delivered by such "mine operator" an invoice covering the coal so sold or delivered, on which invoice shall be stated whether or not such "mine operator" has paid, or assumes liability for the payment of the license fee for mining the same, to the State of Montana, under any law of this State.

State Treasurer to issue license.

Section 14. Upon payment of the license fee for the first quarter in each year by any person engaging in or carrying on the occupation of selling coal at retail in this State, the State Treasurer shall issue to the person paying the same a license which shall recite therein that the same shall be and remain in full force and effect for the whole of such year, provided the person to whom it is issued shall thereafter make all payments of quarterly installments of license fees as the same may become due, and such license shall be kept conspicuously posted in the place of business of such person.

Fees deposited in general fund.

Section 15. All license fees collected under the provisions of this Act shall be deposited to the credit of the general fund of the State.

Misdemeanor.

Section 16. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

Fees in addition to other taxes.

Section 17. The license fees herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Repealing Chapter 80, Laws of 1911.

Section 18. All acts and parts of acts, and particularly Chapter 80, Acts of the Twelfth Legislative Assembly of the State of Montana relating to and regulating the sale of coal within the State of Montana, are hereby repealed.

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Section 19. This Act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1921.

CHAPTER 4.

An Act to Amend Chapter 146 of the Montana Session Laws of 1909 as Amended by Section 16 of Chapter 145, Montana Session Laws of 1915, Providing for the Levy of Taxes or Assessments Against Land in Districts Having a Contract With the United States by Adding a Sub-Section to Section 49 to be Designated as Sub-Section "49-a".

Be it enacted by the Legislative Assembly of the State of Montana:

Adding a new Section to Section 49, Chapter 146, Laws of 1909, as amended by Section 16, Chapter 143, Laws of 1915, as amended by Laws of 1921.

Section 1. That there is hereby added to Section 49 Chapter 146 of the Montana Session Laws of 1909 as amended by Section 16 of Chapter 145, Montana Session Laws of 1915, and the Session Laws of 1921, a sub-section to be designated as sub-section 49-a to read as follows:

County Commissioners to levy assessments in certain irrigation districts.

"Sub-Section 49-a. Where a contract has been entered into or may be hereafter entered into between an Irrigation District and the United States, the Board of County Commissioners shall have the power to levy assessments against all of the land within the district for any and all of the purposes hereinbefore enumerated, and in addition thereto the power to levy assessments against any or all of the lands in said district in compliance with such contract; provided further, that where irrigation works lie partly in the State of Montana and partly in an adjacent state, the Board of County Commissioners may contract with the district or districts in the adjacent state for the mutual construction of works, operation and maintenance of work, drainage and other matters, and things pertaining to said works, and shall have the power to levy assessments against any or all lands within the district necessary to carry out the provisions of such contract."

To levy assessments when works partly in another state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1921.

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CHAPTER 5.

An Act Repealing Sections 6217, 6218, 8065, and 8066 of the Revised Codes of Montana of 1907, Defining Legal Holidays and Business Days.

Be it enacted by the Legislative Assembly of the State of Montana:

Repeal.

Section 1. That Sections 6217, 6218, 8065, and 8066 of the Revised Codes of Montana of 1907 be and the same are hereby repealed.

Section 2. This Act shall take effect upon its passage and approval.

Approved March 21, 1921.

CHAPTER 6.

An Act Amending Section 181 of the Revised Codes of the State of Montana, 1907, Relating to the Registry and Interest on State Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 181, Revised Codes.

Section 1. That Section 181 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended to read as follows:

State warrants, payment of.

"Section 181. Registry and Interest on State Warrants: It is the duty of the State Treasurer on the presentation of state warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event that there are no funds available for such

Registration of.

payment he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrant so registered, on its face "Presented for payment and not paid for want of funds, and registered in this office this.....day of.....," inserting the date of registration; and he shall affix his signature as such treasurer thereto; and all warrants so

Interest.

registered and endorsed shall bear interest at the rate of four (4) per cent per annum until called for payment, after which date interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner set forth in Section 184 (444) of the Chapter hereinbefore mentioned; provided, how-

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ever, that all warrants so registered and endorsed between the 1st day of March, 1921, and the 1st day of January, 1922, shall bear interest at the rate of seven (7) per cent per annum until called for payment, after which date interest shall cease, but after said date of January 1st, 1922, all warrants so registered and endorsed shall bear interest at the rate of four (4) per cent per annum as above provided."

Interest after March 1, 1921.

Interest after January 1, 1922.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect and be in full force from and after the date of the passage and approval of this act.

Approved March 21, 1921.

CHAPTER 7.

An Act to Amend Section 11 of Chapter 146 of the Montana Session Laws of 1909 as Amended by Section 4 of Chapter 153 of the Montana Session Laws of 1917 as Amended by Section 1 of Chapter 3 of the Session Laws of the Seventeenth Legislative Assembly of Montana of 1921, Relating to the Creation, Organization, Government and Extension of Irrigation Districts; Providing for a Three Year Term of Office of Commissioners and for the Expiration of Their Terms of Office in Successive Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11 of Chapter 146 of the laws of the Eleventh Legislative Assembly of Montana of 1909, as amended by Section 4 of Chapter 153 of the laws of the Fifteenth Legislative Assembly of Montana of 1917, as amended by Chapter 3 of the laws of the Seventeenth Legislative Assembly of Montana of 1921, be, and the same is hereby amended to read as follows:

Amending Section 11, Chapter 146, Laws of 1909, as amended by Section 4, Chapter 153, Laws of 1917, as amended by Chapter 3, Laws of 1921.

"Section 11. First Election of Commissioners.—Regular Election.—Term of Office.—The regular election for commissioners in each district shall be held annually on the first Saturday in April of each year; and on the third Saturday in April following their election the commissioners shall meet and organize as a board by electing a president from their number and a secretary who may or

Date for election of commissioners.

Organization of board.

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may not be a commissioner and who shall each hold office during the pleasure of the board. The term of office of each commissioner shall begin on the third Saturday in April after the regular election and shall continue for three (3) years and until the election and qualification of his successor. Commissioners are elected by the electors of the entire district. At the regular election for commissioners held in April, 1921, there shall be elected one commissioner for the first division of each district who shall hold his office for the term of one (1) year, one commissioner for the second division of each district who shall hold his office for the term of two (2) years and one commissioner for the third division of each district who shall hold his office for the term of three (3) years; and if there be five divisions in a district one commissioner shall be elected for the fourth division who shall hold his office for two (2) years and one commissioner shall be elected for the fifth division who shall hold his office for three (3) years; and if there be seven divisions in a district one commissioner shall be elected for the sixth division who shall hold his office for two (2) years and one commissioner shall be elected for the seventh division who shall hold his office for three (3) years; provided, however, that this Act shall not be construed to extend the term of any commissioner heretofore elected or appointed in any district."

Terms of office.

Term of office not extended.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

CHAPTER 8.

An Act Defining and Regulating Common Carrier Pipe Lines and Granting to them the Right of Eminent Domain; Empowering the Board of Railroad Commissioners of Montana to Regulate the Rates, Charges and Business of Such Common Carrier Pipe Lines, Prohibiting Discrimination by Said Pipe Lines and Providing Penalties for the Violation of This Act.

Who are common carriers of oil.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm, corporation, limited.

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partnership, joint stock association or association of any kind whatever:

(a). Owning, operating or managing any pipe line or any part of any pipe line within the State of Montana for the transportation of crude petroleum to or for the public for hire, or engaged in the business of transporting crude petroleum by pipe lines; or

Pipe line within state.

(b) Owning, operating or managing any pipe line or any part of any pipe line for the transportation of crude petroleum, to or for the public for hire, and which said pipe line is constructed or maintained upon, along, over or under any public road or highway; or

Pipe line along highway.

(c) Owning, operating or managing any pipe line or any part of any pipe line or pipe lines for transportation to or for the public for hire, of crude petroleum, and which said pipe line or pipe lines is or may be constructed, operated or maintained across, upon, along, over or under the right of way of any railroad, corporation, or other common carrier required by law to transport crude petroleum as a common carrier; or

Pipe line along right of way of railroad, etc.

(d) Owning, operating or managing or participating in ownership, operation or management, under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind whatsoever, any pipe line or pipe lines, or any part of any pipe line, for the transportation from any oil field or place of production within the State of Montana to any distributing, refining or marketing center or re-shipping point thereof, within this state, of crude petroleum, bought of others; or

Pipe line from field to distributing point.

(e) Made a common carrier by or under the terms of contract with or in pursuance of the law of the United States; is hereby declared to be a common carrier and subject to the provisions hereof. But the provisions of this Act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as herein defined; nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system.

A common carrier by federal law.

Certain pipe lines excepted.

Section 2. It is declared that the operation of these pipe lines, to which this Act applies, for the transporta-

Operation of pipe line is public utility.

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tion of crude petroleum, in connection with the purchase or purchase and sale of such crude petroleum, is a business in mode of the conduct of which the public is interested, and as such is subject to regulation by law; and accordingly it is provided that from and after the expiration of thirty (30) days from the time this law takes effect the business of purchasing, or of purchasing and selling crude petroleum, using in connection with such business a pipe line of the class subject to this Act to transport the crude petroleum so bought or sold shall not be conducted, unless such pipe line so used in connection with such business be a common carrier within the purview of this law and subject to the jurisdiction herein conferred upon the Board of Railroad Commissioners of Montana. It shall be the duty of the Attorney General to enforce this provision by injunction or other adequate remedy.

Pipe lines subject to jurisdiction of railroad commissioners.

Attorney General to enforce act.

Right to construct along highways granted.

Section 3. The right to lay, maintain and operate pipe lines, together with telegraph and telephone lines incidental to and designed for use only in connection with the operation of such lines along, across or under any public stream or highway in this state, is hereby conferred upon all persons, firms, limited partnerships, joint stock associations, or corporations coming within any of the definitions of common carrier pipe lines as hereinbefore made. Any person, firm, limited partnership, joint stock association, or corporation may acquire the right to construct pipe lines and such incidental telephone and telegraph lines along, across, or over any public road or highway in this state, by filing with the Board of Railroad Commissioners of Montana an acceptance of the provisions of this law, expressly agreeing in writing that in consideration of the rights so acquired it shall be and become a common carrier pipe line, subject to the duties and obligations conferred or imposed in this Act. This right to run along, across or over any public road or highway, as before provided for, can only be exercised upon condition that the traffic thereon be not interfered with, and that such road or highway be promptly restored to its former condition of usefulness, and the restoration thereof be subject also to the supervision of the county commissioners of the county in which said highway is situated. And, provided that in the exercise of the privileges herein conferred, such pipe lines shall compensate the county for any damage done to such

Right to construct along highways, how acquired.

Not to interfere with traffic.

Compensation for damage to highway.

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public road, in the laying of pipe lines, telegraph or telephone lines, along or across the same; and nothing herein shall be construed to grant any pipe line company the right to use any public street or alley in any incorporated city or town, except by express permission from the city or governing authority thereof.

Incorporated cities excepted.

Every person, firm, corporation, limited partnership, joint stock association or association of any kind mentioned in this Act, which shall have filed with the Board of Railroad Commissioners of Montana its acceptance of the provisions of this Act, is hereby granted the right and power of eminent domain in the exercise of which he, it or they may enter upon and condemn the land, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or authorization of his, its or their common carrier pipe line, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads.

Right of eminent domain granted.

Section 4. The Board of Railroad Commissioners of Montana shall have the power to establish and enforce rates of charges and regulations for gathering, transporting, loading and delivering crude petroleum by such common carrier in this state, and for the use of storage facilities necessarily incident to such transportation and to prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipe lines and receiving, transferring and loading facilities, and it shall be its duty to exercise such power upon petition by any person showing a substantial interest in the subject. No order establishing or prescribing rates, rules and regulations shall be made except after hearing and at least ten days' and not more than thirty days' notice to the person, firm, corporation, partnership, joint stock association, or association owning or controlling and operating the pipe line or pipe lines affected. In the event any rate shall be filed by any pipe line and complaint against same or petition to reduce same shall be filed by any shipper, and such complaint be sustained, in whole or in part, all shippers who shall have paid the rates so filed by the pipe line shall have the right to reparation or reimbursement of all excess in transportation charges so paid over and above the proper rate as finally determined on all shipments made after the date of the filing of such complaint.

Railroad commissioners to establish rates.

Must be hearing to fix rates.

Complaints.

Reimbursement, when rate reduced.

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Railroad commissioners may require connections.

Section 5. Every common carrier as above defined shall exchange crude petroleum tonnage with each like common carrier and the Board of Railroad Commissioners of Montana shall have the power to require such connections and facilities for the interchange of such tonnage to be made at every locality reached by both pipe lines whenever a necessity therefor exists and subject to such rates and regulations as may be made by the Board of Railroad Commissioners of Montana; and any such common carrier under like rules and regulations shall be required to install and maintain facilities for the receipt and delivery of crude petroleum of patrons at all points on such pipe line. No carrier shall be required to receive or transport any crude petroleum except such as may be marketable under rules and regulations to be prescribed by the Board of Railroad Commissioners of Montana which they are hereby empowered and required to prescribe. The Board of Railroad Commissioners of Montana is also empowered and required to make rules for the ascertainment of the amount of water and other foreign matter in oil tendered for transportation, and for deduction therefor and for the amount of deduction to be made for temperature, leakage and evaporation. It is provided, however, that the recital herein of particular powers on the part of said Board of Railroad Commissioners of Montana shall not be construed to limit the general powers conferred by this Act. Until set aside or vacated by some decree or order of a court of competent jurisdiction, all orders of the Board of Railroad Commissioners of Montana as to any matter within its jurisdiction shall be accepted as prima facie evidence of their validity.

Facilities for receiving crude oil.

Only required to receive marketable oil.

Rules to determine quality of oil.

No limitation on general powers of Board.

When order prima facie valid.

Tariffs to be published.

Section 6. Such common carriers of crude petroleum shall make and publish their tariffs under such rules and regulations as may be prescribed by said Board of Railroad Commissioners of Montana, the Board of Railroad Commissioners of Montana shall require them to make reports and may investigate their books and records kept in connection with such business. The Board of Railroad Commissioners of Montana shall require of such common carrier pipe lines monthly reports, duly verified under oath, of the total quantities of crude petroleum owned by such pipe lines and of that held by them in storage for others, as also of their unfilled storage capacity, provided no publicity shall be given by the

Reports required.

Publicity as to what matters.

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Board of Railroad Commissioners of Montana to the reports as to stock of crude petroleum on hand of any particular pipe line; but the Board of Railroad Commissioners of Montana in its discretion may make public the aggregate amounts held by all the pipe lines making such reports, and of their aggregate storage capacity. The Board of Railroad Commissioners of Montana shall have the power and authority to hear and determine complaints, to require attendance of witnesses, and to institute suits and sue out such writs and process as may be necessary for the enforcement of its orders.

Powers of Railroad Commissioners.

Section 7. No such common carrier in its operations as such shall discriminate between or against shippers in regard to facilities furnished or service rendered or rates charged under same or similar circumstances in the transportation of crude petroleum; nor shall there be any discrimination in the transportation of crude petroleum produced or purchased by itself directly or indirectly. In this connection the pipe line shall be considered as a shipper of the crude petroleum produced or purchased by itself directly or indirectly and handled through its facilities. No such carrier in such operation shall directly or indirectly charge, demand, collect or receive from any one a greater or less compensation for any service rendered than from another for a like and contemporaneous service; provided this shall not limit the right of the Board of Railroad Commissioners of Montana to prescribe rates and regulations different from or to some places from other rates or regulations for transportation from or to other places, as it may determine; nor shall any carrier be guilty of discrimination when obeying any order of the Board of Railroad Commissioners of Montana. When there shall be offered for transportation more crude petroleum than can be immediately transported, the same shall be equitably apportioned. The Board of Railroad Commissioners of Montana may make and enforce general or specific regulations in this regard. No such common carrier shall at any time be required to receive for shipments from any person, firm, corporation, or association of persons, exceeding three thousand barrels of petroleum in any one day.

Discrimination prohibited.

Railroad Commission may establish certain rates.

Transportation to be apportioned.

Limit for transportation per day.

Section 8. The Board of Railroad Commissioners of Montana, when necessary, shall make and enforce rules and regulations either general in their nature or appli-

Rules for prevention of waste.

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cable to particular oil fields for the prevention of actual waste of oil or operations in the field dangerous to life or property.

Penalty for violation of Act.

Section 9. Any common carrier as herein defined who shall violate any provisions of this Act or who shall fail to perform any duty herein imposed or any valid order of the Board of Railroad Commissioners of Montana, when not stayed or suspended by order of court, shall be subject to a penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense, such penalty to be recoverable at suit of the Attorney General of the State of Montana in the name of the State and for its use. Actual damages may also be recovered by and for the use of any person, corporation or association of persons against whom there shall have been an unlawful discrimination as herein defined; such suit to be brought in the name of and for the use of party aggrieved, and may be maintained in any court of proper jurisdiction having due regard to the ordinary statutes of venue. For the wilful violation of any of the provisions herein forbidding discrimination on the part of common carriers, it is hereby provided that the owners, officers, agents or employes of such carriers who may be guilty thereof shall be deemed guilty of a misdemeanor; each violation of any of such provisions shall be deemed a separate and distinct offense and upon conviction thereof the party violating same shall be fined in a sum of not less than fifty dollars nor more than one thousand dollars, and may be further punished by confinement in the county jail for not less than ten days nor more than six months.

Attorney General to recover.

Actual damages, how recovered.

Discrimination is misdemeanor.

District offenses.

Transportation without discrimination.

Section 10. Subject to the provisions of this Act and the rules and regulations which may be prescribed by the Board of Railroad Commissioners of Montana, every such common carrier shall receive and transport crude petroleum delivered to it for transportation and shall so receive and transport same and perform its other duties with respect thereto without discrimination.

Unconstitutionality of part of Act, effect of.

Section 11. If any of the provisions of this Act shall be held unconstitutional, or for any reason shall be held void, such holding shall not have the effect to nullify the remaining parts or provisions of this Act, but the parts not so held to be void shall nevertheless remain in full force and effect.

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Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

CHAPTER 9.

An Act to Restrict the Manufacture, Transportation, Possession, Sale and Use of Intoxicating Liquors; Defining the Term 'Intoxicating Liquor'; Defining Common Nuisance and Providing for the Abatement Thereof; Providing for the Issuance of Search Warrants and Prescribing Terms Thereof; Providing for the Disposition of Intoxicating Liquors and Confiscation and Sale of Vehicles, Used in Unlawful Transportation Thereof; Creating a 'Law Enforcement Fund'; Providing for the Appointment and Compensation of Special Officers; and Fixing Penalties for the Violation of This Act, and Repealing Chapter 39 of the Laws of the Fourteenth Legislative Assembly, Chapter 175 of the Laws of the Fifteenth Legislative Assembly, and Sections 2, 6, 15, 22, 23, 24, 25, 26, 28, 30, 31, 32, 35, 36, and 38 of Chapter 143 of the Laws of the Fifteenth Legislative Assembly, Chapter 53 of the Laws of the Twelfth Legislative Assembly, Chapter 130 of the Laws of the Fifteenth Legislative Assembly, and Chapters 164 and 182 of the Laws of the Sixteenth Legislative Assembly of the State of Montana, and All Acts and Parts of Acts in Conflict with This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Intoxicating liquor" defined.

Section 1. When used in this Act, or in any other laws of the State relating to intoxicating liquors, the word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes; Provided, that the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced,

Percentage of alcohol.

Dealcoholized beverages excepted.

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if it contains less than one-half of 1 per centum alcohol by volume, and is made as prescribed in section 35 of this Act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the Secretary of State may by regulation prescribe.

Definitions. "Person".

(1) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

"Application".

(2) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the Secretary of State may grant the request.

"Permit".

(3) The term "permit" shall mean a formal written authorization by the Secretary of State setting forth specifically therein the things that are authorized.

"Bond".

(4) The term "bond" shall mean an obligation authorized or required by or under this Act or any regulation, executed in such form and for such a penal sum as may be required by a court, or prescribed by regulation.

"Regulation".

(5) The term "regulation" shall mean any regulation prescribed by the Secretary of State for carrying out the provisions of this Act, and the said Secretary of State is authorized to make such regulations.

Liquor traffic prohibited.

Section 2. No person shall on or after the date when this Act goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor except as authorized in this Act, and all the provisions of this Act shall be liberally construed to the end that the use of intoxicating liquors as a beverage may be prevented.

Liberal construction of Act.

Permits for non-beverage and sacramental purposes.

Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the Secretary of State may, upon application, issue permits therefor: Provided, that nothing in this Act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses.

Sale of warehouse receipts prohibited.

Articles not subject to Act.

Section 3. The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this Act if they correspond with the following descriptions and limitations, namely:

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(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force. Denatured alcohol.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes. Medicinal preparations.

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes. Medicines unfit for beverage.

(d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider. Sweet cider.

A person who manufactures any of the articles mentioned in this section may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records, and make the reports specified in this Act, as directed by Secretary of State. Permits to manufacture.

No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. Use of liquor.

No more alcohol shall be used in the manufacture of any extract, sirup, or the articles named in paragraphs b, c, and d of this section which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article. Limitation on amount of alcohol.

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c, and d of this section for beverage purposes, or any extract or sirup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage containing one-half of 1 per centum or more of alcohol by volume in which any extract, sirup, or other article is used as an ingredient, shall be subject to the penalties provided in section 28 of this Act. Sale of certain articles prohibited. ½ of 1%.

If the Secretary of State shall find, after notice and hearing as provided for in section 8 of this Act, that any person has sold any flavoring extract, sirup, or beverage in violation of this paragraph, he shall notify such person, and any known principal for whom the sale was made, to desist from Notice to desist sale.

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Unlawful to sell within year, when.

selling such article; and it shall thereupon be unlawful for a period of one year thereafter for any person so notified to sell any such extract, sirup, or beverage without making an application for, giving a bond, and obtaining a permit so to do, which permit may be issued upon such conditions as the Secretary of State may deem necessary to prevent such illegal sales, and in addition the Secretary of State shall require a record and report of sales.

Analysis to be made, when.

Section 4. Whenever the Secretary of State has reason to believe that any article mentioned in section 3 does not correspond with the descriptions and limitations therein provided, he shall cause an analysis of said article to be made, and if, upon such analysis, the Secretary of State shall find that said article does not so correspond he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said article should not be dealt with as intoxicating liquor, such notice to be served personally or by registered mail as the Secretary of State may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

Notice to show cause, how made.

Revocation of permit.

If the manufacturer of said article fails to show to the satisfaction of the Secretary of State that the article corresponds to the descriptions and limitations provided in section 3 of this Act, his permit to manufacture and sell such article shall be revoked. The manufacturer may by appropriate proceeding in a court of competent jurisdiction have the action of the Secretary of State reviewed, and the court may affirm, modify, or reverse the finding of the Secretary of State, as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale or other disposition of such article.

Court may review action.

Sale, etc., prohibited without permit.

Section 5. No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the Secretary of State so to do, except that a person may, without a permit, purchase, and use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the Secretary of State is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the Secretary

Medicinal purposes excepted.

Sanitorium excepted.

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of State shall prescribe, purchase and use in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution.

Term of permit.

All permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof; Provided, that the Secretary of State may without formal application or new bond extend any permit granted under this Act or laws now in force after August 31 in any year to December 31 of the succeeding year; Provided further, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this Act shall not be in force to exceed ninety days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed thirty days. Permits to purchase liquor shall specify the quantity and kind to be purchased and the purpose for which it is to be used. No permit shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms of any permit issued under this Act or any law of the United States or of this State regulating traffic in liquor. No permit shall be issued to anyone to sell liquor at retail, unless the sale is to be made through a pharmacist designated in the permit and duly licensed under the laws of this State to compound and dispense medicine prescribed by a duly licensed physician. No one shall be given a permit to prescribe liquor unless he is a physician duly licensed to practice medicine and actively engaged in the practice of such profession. Every permit shall be in writing, dated when issued, and signed by the Secretary of State or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the liquor is to be used.

Extension of permit.

Term to purchase for manufacture.

30 day permits.

Contents and issuance of permit.

permit to retail.

Permits to prescribe.

Form of permit.

Application for permit.

Secretary of state to prescribe form.

The Secretary of State may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the Secretary of State may require a bond in such form and amount as he

Bond for permit.

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may prescribe to insure compliance with the terms of the permit and the provisions of this Act. In the event of the refusal by the Secretary of State of any application for a permit, the applicant may have a review of his decision before a court of competent jurisdiction in the manner provided in section 4 thereof.

Refusal of application, review of.

Nothing in this act shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 5 (save as the same requires a permit to purchase) and section 8 hereof, and the provisions of this Act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the Secretary of State, be granted a permit to supervise such manufacture.

Wine for sacramental purposes.

Sales prohibited, except on application.

Manufacture of wine by diocese permit for.

Section 6. No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor, and no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "cancelled", together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

Prescription for liquor, when to be made.

Limited to one pint.

Endorsement by pharmacist.

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Physician to keep record.

Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the Secretary of State which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used and directions for use, stating the amount and frequency of the dose; providing nothing herein contained shall be construed as authorizing the issuance of permit to prescribe, sell or transport beer or any malt beverage containing more than one half of one per centum of alcohol by volume, but the transportation, sale or prescription or use of any beer or malt beverage containing more than one half of one per centum of alcohol by volume is hereby expressly forbidden.

Malt beverages not to be prescribed.

Hearing upon complaint or by Secretary of State of violation of Act.

Section 7. If at any time there shall be filed with the Secretary of State a complaint under oath setting forth facts showing, or if the Secretary of State, has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this Act, or has violated the laws of the State relating to intoxicating liquor, the Secretary of State or his agent shall immediately issue an order citing such person to appear before him on a day named not more than thirty and not less than fifteen days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the Secretary of State with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the Judicial District and within fifty miles of the place where the offense is alleged to have occurred, unless the parties agree on another place. If it be found that such person has been guilty of wilfully violating any such laws, as charged, or has not in good faith conformed to the provisions of this Act, such permit shall be revoked, and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the Secretary of State, the permittee may have a review of his decision before a court of competent jurisdiction in the manner provided in Section 4 hereof. During the pendency of such action such permit shall be temporarily revoked.

Hearing, where held.

Revocation of permit.

Review of decision by court.

Record of sale, etc.

Section 8. No person shall manufacture, purchase for sale, sell, or transport, any liquor without making at

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the time a permanent record thereof showing in detail the amount and kind of liquor manufactured, purchased, sold, or transported, together with the names and addresses of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation. The Secretary of State may prescribe the form of such record, which shall at all times be open to inspection as in this Act provided.

Form of record.

Copy of permits.

Section 9. All manufacturers and wholesale or retail druggists shall keep as a part of the records required of them a copy of all permits to purchase on which a sale of any liquor is made, and no manufacturer or wholesale druggist shall sell or otherwise dispose of any liquor except at wholesale and only to persons having permits to purchase in such quantities.

Wholesale, who restricted to.

Label of manufacturer.

Section 10. All persons manufacturing liquor for sale under the provisions of this Act shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon; and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold; which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized.

Record of shipment by carrier.

Section 11. It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase which shall be made a part of the carrier's permanent record at the office from which delivery is made.

Agent of carrier to administer oath.

The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him. The name and address of

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the person identifying the consignee shall be included in the record.

Unlawful not to notify carrier, when.

Section 12. It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor the following information.

Carrier not to transport unless labeled.

Information on package containing liquor.

Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase or ship the same, together with the name and address of the person using the permit.

Acceptance of package with false statements, prohibited.

Section 13. It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport, or deliver any such package, knowing such statement to be false.

Order for delivery, when consignee not bona fide.

Section 14. It shall be unlawful to give to any carrier or any officer, agent, or person acting or assuming to act for such carrier an order requiring the delivery to any person of any liquor or package containing liquor consigned to or purporting or claimed to be consigned to a person, when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor.

Advertising unlawful.

Section 15. It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No one shall permit any sign or billboard containing such advertisement to remain upon one's premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor from furnishing price lists, with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles; provided, however, that nothing in this Act shall apply to newspapers

Price lists, excepted.

Foreign newspapers excepted.

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published in foreign countries when mailed to this country.

Articles for unlawful manufacture prohibited.

Section 16. It shall be unlawful to advertise, manufacture, sell or possess for sale any utensil, contrivance, machine, preparation, compound, tablet substance, formula direction, or recipe advertised, designated, or intended for use in the unlawful manufacture of intoxicating liquor.

Solicitation in violation of Act.

Section 17. No person shall solicit or receive, nor knowingly permit his employee to solicit or receive, from any person any order for liquor or give any information of how liquor may be obtained in violation of this Act.

Damages for injury by intoxicated person, recovery of.

Section 18. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this Section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property. Such action may be brought in any court of competent jurisdiction. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parties shall be a bar to suit brought by the other.

Right of action survives death.

Action, where brought.

Action by parents.

Common nuisance, place of manufacture.

Section 19. Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this Act, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less that $100.00, nor more than $500.00, and be imprisoned not less than thirty days nor more than six (6) months. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provisions of this Act, and suffers the

Misdemeanor.

Lien upon premises for fines and costs.

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same to be so occupied or used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation, and any such lien may be enforced by action in any court having jurisdiction.

Action to enjoin nuisance, where and how brought.

Section 20. An action to enjoin any nuisance defined in this Act may be brought in the name of the State of Montana by the Attorney General of the State or by any County Attorney. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this Act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquor shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or place, or any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than $500.00 nor more than $1,000.00, payable to the State of Montana, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this Act upon said property.

Temporary injunction.

Restraining order.

Bond not required.

Order of court prohibiting manufacture based on petition.

Premises not to be used for one year.

Use of premises permitted by giving bond.

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Transportation restrained as nuisance.

Section 21. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company, or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this Act, is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

Injunction to issue.

Intention need not be shown, when.

In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violations if the action is brought within sixty days following any such violation of the law.

Fees of officers.

For removing and selling property in enforcing this Act the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property under execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Forfeiture of lease.

Any violation of this Act upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease.

Contempt for violation of injunction.

Section 22. In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this Act, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this Section shall be punished by a fine of not less than $200.00 nor more than $1,000.00 or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment.

Trial and punishment.

No property right in liquor, when.

Section 23. It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this Act or which

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has been so used, and no property right shall exist in any such liquor or property.

Complaint on probable cause and search warrant.

Section 24. Whenever complaint is made in writing, verified by affidavit, to any judge having cognizance of criminal offenses, that complainant has just and probable cause to believe and does believe that intoxicating liquor is manufactured, kept for sale, used, disposed of, or transported in violation of any law of this State in any house, building, premises, boat, aeroplane, vehicle, receptacle or any other place whatsoever (particularly describing and designating the same) with the facts upon which such belief is based, the judge may issue a search warrant as hereinafter provided. Provided, however, no search warrant shall issue to search any private dwelling occupied as such unless being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process. Each complaint may be substantially in the following form:

Facts to be stated.

No search warrant for private dwelling.

"Private dwelling" defined.

Replevin does not lie.

STATE OF MONTANA }
County of ..... } ss.

Complaint for Search Warrant.

Complaint, form of.

The Complaint and Affidavit of ..... (name of complainant) of ..... (his residence) made before ..... (name of officer) one of the ..... (official title of officer) in and for said ..... (county, city or village, as the case may be) on this the ..... day of ..... 19...., who, being first dudy sworn, upon his oath says: that he has just and probable cause to believe and does believe that intoxicating liquor is now unlawfully ..... (manufactured, kept for sale, used, disposed of, or transported as the case may be) to-wit: At and within a certain ..... (here describe the house, building, premises, boat, aeroplane, vehicle, receptacle, or other place, to be searched, with particulars as to its location sufficiently to identify it, stating the name of the person occupying the same, if known) in the ..... (city, village or town)

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of ..... in the county and State aforesaid; and that the following are the reasons for his belief, to-wit: ..... (here insert the facts upon which such belief is based.)

Wherefore, he prays that a search warrant may issue according to law.

.....
(Signature of Complainant)

Subscribed and sworn to before me this ..... day of ..... 19.....

.....
(Official title of officer.)

.....
(Official title of officer.)

Search warrant to issue.

Section 25. If the judge before whom any such complaint is made is satisfied that there is probable cause for such belief, he shall issue a warrant directed to any peace officer having jurisdiction, whom the complainant may designate, commanding him in the day time to forthwith enter the house, building, premises, boat, aeroplane, vehicle, receptacle, or other place therein described and designated (which shall be particularly described and designated in the warrant as in the complaint) and make diligent and careful search for intoxicating liquor and if any intoxicating liquor be there found, to seize the same, with the vessels containing the same, and all implements, furniture and vehicles kept or used for the purpose of violating or with which to violate, any law of this State or of the United States and bring the same, and any and all persons (if any there be) in whose possession they are found, before the judge who issued the warrant, or in case of his absence or inability to act, before some other judge having cognizance of the case. Such warrant may be substantially in the form prescribed in Section 9682 of the Penal Code of the State of Montana.

Search in day time.

Seizure of liquors.

Warrant, form of.

Seizure of vehicles, when.

Section 26. When any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any per-

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son in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this Act in any court having competent jurisdiction; But the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by the court having jurisdiction of the case and shall be conditioned to return said property to the custody of said officer on the day of the trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale by public auction of the property seized, and the officer making the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay the balance of the proceeds into the Treasury of the County in which the violation occurred. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with the description thereof, shall be advertised in some newspaper published in the city or county, where taken or if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the County in which the violation occurred.

Return of vehicle on execution of bond.

Destruction of liquor.

Sale of property.

Balance of proceeds paid to county treasurer.

Advertised when property not claimed.

Section 27. In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this Act the court shall have jurisdiction upon the application of the Attorney General or County Attorney to

Application to use liquor for medicinal purposes.

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order them delivered to any department, institution, or agency of the State or county, for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor the proceeds to be paid into the Treasury of the County in which the violation occurred, and all liquor heretofore seized in any suit or proceeding brought for violation of law may likewise be so disposed of.

Penalty for violation of Act.

Section 28. Any person who manufactures or sells liquor in violation of this Act shall for a first offense be fined not less than $100.00 or more than $1,000.00, and imprisoned in the county jail not less than thirty (30) days, nor more than six (6) months, and for a second or subsequent offense shall be fined not less than $200.00, nor more than $2,000.00 and be imprisoned not less than six months nor more than two years in the state prison.

Penalty for false report.

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this Act, or violates any of the provisions of this Act, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500.00; for a second offense not less than $100.00 nor more than $1,000.00 or be imprisoned not more than ninety days; for any subsequent offense he shall be fined not less than $500.00 and be imprisoned not less than three months nor more than two years in the state prison, and in addition have his license to do business revoked, in the case of a manufacturer or pharmacist, and to have his license to practice revoked, in the case of a physician. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this Act against the manufacture of liquor without a permit shall not apply to a person for manufacturing non-intoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar.

Prior conviction, how ascertained.

Incrimination, no excuse.

Section 29. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court if any suit or proceeding based upon or growing out of any alleged violation of this Act; but no natural person shall be pros-

Exempt from prosecution.

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ecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committted in so testifying.

Not exempt from prosecution for perjury.

Section 30. In case of a sale of liquor where the delivery thereof was made by a common or other carrier the sale and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county wherein the sale was made, or from which the shipment was made, the prosecution of such sale or delivery may be had in any such county.

Delivery, where made by carrier.

Prosecution for delivery, where.

Section 31. In any affidavit, information, or indictment for the violation of this Act, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing and furnishing the defendant a bill of particulars when it deems it proper to do so.

Separate offenses.

Name of purchaser.

Bill of particulars.

Section 32. After the passage and approval of this Act, the possession of liquors by any person not legally permitted under this act to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this act; but it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed and used.

Possession prima facie evidence.

Possession in dwelling not unlawful.

Burden of proof on possessor.

The Attorney General, or the County Attorney of any county in which any action or proceeding is pending, may compromise any civil cause arising under this title before

Compromise of civil action.

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bringing action in court, and he may compromise any such cause after action thereon has been commenced.

Inspection of records by prosecutor.

Section 33. All records and reports kept or filed under the provisions of this Act shall be subject to inspection at any reasonable hour by any public prosecutor or by any person designated by him, or by any peace officer in the State, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the original thereof, and verified copies of such records shall be furnished to the Attorney General or County Attorney when called for.

Certified copies introduced in evidence.

Part of Act invalid, effect of.

Section 34. If any provision of this Act shall be held invalid it shall not be construed to invalidate other provisions of the Act.

Storage in U. S. bonded warehouses.

Section 35. Nothing herein shall prevent the storage in United States bonded warehouses of all liquor manufactured prior to the taking effect of this Act, or prevent the transportation of such liquor to such warehouses or to any wholesale druggist for sale to such druggist for purposes not prohibited when the tax is paid, and permits may be issued therefor.

Manufacture of liquors containing more than ½ of 1 per cent.

A manufacturer of any beverages containing less than one-half of one per centum of alcohol by volume may, on making application and giving such bond as the Secretary of State shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter or wine, containing more than one-half of 1 per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations the Secretary of State may prescribe, be reduced below such one-half of 1 per centum of alcohol; Provided, that such liquid be removed and transported, under bond and under such regulations as the Secretary of State may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages.

Secretary of State to prescribe rules.

Burden of proof on manufacturer.

In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt,

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vinous, or fermented liquids containing one-half of 1 per centum or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the Secretary of State to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per centum of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per centum before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per centum of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expenses of analysis of such beverage shall be taxed as costs in the case.

Service of summons on owner of property.

Section 36. In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons, must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court.

"Law Enforcement Fund," creation of.

Section 37. There is hereby created a fund to be known as the "Law Enforcement Fund". All fines must be applied to the payment of the costs of the case in which the fine is imposed and after such costs are so deducted from the fine the balance of such fine and all other receipts from penalties, confiscations and forfeitures for violation of the law relating to intoxicating liquors, and from the sales of all property seized, confiscated and sold under such laws shall be paid over to the County Treasurer of the county in which such violation or sale occurred, and such County Treasurer shall credit fifty per cent thereof to the Common School Fund of such county, and the remaining fifty per cent thereof shall be by said County Treasurer transmitted to the State Treasurer, and by such State Treasurer deposited to the credit of the Law Enforcement Fund. The term "costs" as herein used shall mean to include all costs incurred in connection with the arrest and all costs for the maintenance of the defendant or defendants where a fine and jail sentence is imposed.

Costs to be deducted first.

50% paid to county treasurer.

50% paid to State Treasurer.

"Costs," definition.

Special officers, appointment and powers.

Section 38. The State Board of Examiners may appoint such special officers, not to exceed six in number,

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for the purpose of enforcing the laws relating to intoxicating liquors; such special officers shall have the same powers as sheriffs concerning the enforcing of the laws relating to intoxicating liquors, and shall receive such compensation as the Board of Examiners may prescribe, which shall be paid out of the "Law Enforcement Fund", Provided, however, that such special officers shall not be paid from any other fund or funds.

Compensation.

Such special officers shall be appointed in writing by the State Board of Examiners, and before entering upon their duties shall take and subscribe the oath of office in the same manner as a sheriff.

Oath of office.

The State Board of Examiners may remove such special officers from office at any time.

Removal.

Section 39. That Chapter 39 of the laws of the Fourteenth Legislative Assembly, Chapter 175 of the Laws of the Fifteenth Legislative Assembly, and Sections 2, 6, 15, 22, 23, 24, 25, 26, 28, 30, 31, 32, 35, 36, and 38 of Chapter 143 of the laws of the Fifteenth Legislative Assembly, Chapter 53 of the laws of the Twelfth Legislative Assembly, Chapter 130 of the laws of the Fifteenth Legislative Assembly and Chapters 164 and 182 of the laws of the Sixteenth Legislative Assembly of the State of Montana, and all acts and parts of acts in conflict herewith, are hereby repealed; provided, however, that except as herein otherwise specified, this act shall be construed as supplemental to and a part of all laws of this state relating to intoxicating liquors.

Repealing clause.

Section 40. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 41. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

CHAPTER 10.

An Act Establishing a State Highway Commission, Prescribing the Powers and Duties Thereof, and Authorizing the Construction, Maintenance, Repair and Marking of Public Roads and Bridges; Creating a State Highway Fund and a State Highway Trust Fund; Imposing Certain Duties Upon County and Local Road Officials; Assenting to the Federal Aid Road Act of

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Congress Approved July 11, 1916, and Authorizing the State Highway Commission to Co-operate with the United States Government in the Construction of Roads and Bridges; and Repealing Chapter 170 Session Laws of the State of Montana; and Repealing Senate Bill No. 141, Approved by the Governor on March 5, 1921, of the Session Laws of the Seventeenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

State Highway Commission, creation of.

Section 1. There is hereby created a commission to be known as the State Highway Commission, to consist of three members, one member to be known as the state Highway Commissioner, and the other members to be known as Assistant Highway Commissioners, and each of said members shall be a citizen of the United States.

Commissioner, term of office.

The State Highway Commissioner shall be the executive head of the Commission, and shall hold office for the term of four years, and until his successor is appointed and qualified, shall make his headquarters at the City of Helena, shall devote his time exclusively to the business of his office, and shall receive as compensation, to be paid out of the State Highway Fund the sum of Six Thousand Dollars, ($6,000.00), per annum, together with his traveling expenses, while actually engaged about the duties of his office outside the City of Helena. The Assistant Highway Commissioners shall each hold office for the term of three years, and until his successor is appointed and qualified, except as herein provided, and shall receive as compensation, to be paid out of said fund, the sum of Ten Dollars, ($10.00), per diem, for each day actually engaged in the duties of his office, including his time of travel between his home and the place of employment of such duties, together with his traveling expenses while away from his home in the performance of the duties of his office.

Headquarters.

Salary and expenses.

Assistant Highway Commissioners, term of office.

Salary and expenses.

Bond of commissioner.

The Highway Commissioner shall give bond conditioned for the faithful performance of his duties in the sum of Twenty-five Thousand Dollars, ($25,000.00), and the Assistant Highway Commissioners shall give a like bond in the sum of Ten Thousand Dollars, ($10,000.00), each.

Bond of assistant commissioner.

Section 2. The members of the State Highway Commission shall be appointed by the Governor and may be removed by him at any time for cause. Said Commission

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Meetings.

shall meet at least once each month for the purpose of transacting its business, including the consideration of claims and the letting of contracts; two members of Commission shall constitute a quorum for the transaction of business. The State Highway Commissioner shall appoint an engineer whose salary shall be fixed by the State Highway Commission. Said engineer shall perform any acts or duties relating to the office of the Highway Commission, which said Commission may impose upon him; such engineer shall take and file the Constitutional oath of office before entering the performance of his duties; he shall give a bond in such sum as the Commission may determine and may be removed by the Commissioner at any time for cause.

Engineer, appointment of.

Duties.

Bond.

Duties of commissioner.

Section 3. The State Highway Commissioner shall be furnished with a suitable office in the Capitol, where his records shall be preserved, and said office shall be kept open at such times as the business of the Commission shall require. He shall file and safely keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications, contracts, estimates and official acts. The Commissioner shall prepare and submit to the Governor on or before the fifteenth day of each month a report of the work constructed, under construction, and proposed for construction and the progress made during the preceding month, and shall make recommendations as to the needed improvements and their estimated cost.

Monthly report.

Statistics, compilation of.

Section 4. In addition to his other powers and duties, the State Highway Commissioner shall compile statistics relative to public highways throughout the State, and shall collect all information in regard thereto deemed expedient. He shall investigate and determine upon various methods of road construction adapted to different sections of the State, and as to the best methods of construction and maintenance of roads, bridges, road markers and shall investigate and determine upon such other information relating thereto as he shall deem appropriate and necessary. He may be consulted at all reasonable times by county officers having care and authority over highways and bridges and shall advise such officers relative to the construction, repair, altering or maintenance of the same, and shall furnish such other information and advice as may be requested by persons interested in the construction, maintenance and marking

Methods of road construction.

Consultation by county officers.

Furnish, information.

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of public highways, and shall at all times lend his aid in promoting highway improvement throughout the state.

County Commissioners, etc., to furnish information.

Section 5. The County Commissioners and road Supervisors of any county, and all other officers who now have or may hereafter have by law the care and supervision of the public highways and bridges, shall, from time to time, upon the written request of the State Highway Commissioner, furnish him with all available information in connection with the building and maintenance of the state highways and bridges in their respective districts or counties.

Commissioner to prescribe rules.

Section 6. The State Highway Commissioner shall have power, and it shall be his duty, to formulate all rules and regulations necessary for the government of the State Highway Commission and it is hereby authorized to make all rules necessary to comply with the provisions of the Federal Aid Road Act of Congress, approved July 11, 1916, and all other Acts granting aid for public highways, and to obtain for the State of Montana the full benefit of such act. The State Highway Commission is hereby authorized to, and shall, in conjunction with the Board of County Commissioners of the several counties in the State, designate such public roads in the State as shall be classed as state highways and subject to improvements under the provisions of said Federal Aid Road Act of Congress, and the State Highway Commission in conjunction with the Board of County Commissioners shall also formulate necessary rules and regulations for the construction, repair, maintenance and marking of State highways and bridges, and may provide for local supervision in such cases.

Compliance with Federal Aid Road Act.

State Highway designation of.

Rules for repair and supervision of highways.

Office and field help employment of.

Section 7. The Highway Commission shall employ office and field help as it shall deem necessary and the compensation for all such employees shall be determined by the State Highway Commission and paid out of the State Highway Fund in the same manner as other state employees are paid.

Payment of.

Contracts, how awarded.

Section 8. All contracts for work on state highways shall be let by the State Highway Commission. When the estimated cost of any piece of work shall exceed One Thousand Dollars ($1,000.00), it shall be the duty of the State Highway Commission to let such contract by competitive bidding, upon such notice and upon such terms as the Commission by its rules and regulations prescribe; provided that if the Commission shall find such work

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Force account and day labor permitted.

may be done and performed by force account or by day's labor in a more efficient manner, it may so conduct the work, and provided further that the Commission may

Also convict labor.

use convict labor as, in its judgment, is deemed proper. A contractor upon being awarded a contract for construction, improvement, maintenance or marking upon a state highway, and before entering upon such work shall

Bond of contractor.

execute to the State of Montana a bond to be approved by the Commission, and to be conditioned for the faithful discharge of its duties under such contract.

Federal Aid Road Act assented to.

Section 9. For and on behalf of the State of Montana, and in conformity with the requirement of Section 1 of said Act, the provisions of that certain Act of Congress approved July 11, 1916, known as the Federal Aid Road Act and entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes", is hereby assented

Authority to contract with U. S.

to. The State Highway Commission is hereby authorized to, for and on behalf of the State of Montana, enter into all contracts and agreements with the United States Government or any officer, department or bureau thereof, relative to the construction or maintenance of highways in the State of Montana; and the State Highway Commission for and on behalf of the State of Montana is hereby authorized to do all other things necessary or

Authority to co-operate.

required to carry out fully the co-operation contemplated by the said Act of Congress as hereby assented to, relative to the construction and maintenance of roads and highways in the State of Montana.

Division of maintenance and control

Section 10. The State Highway Commission shall have authority to organize and operate a division of maintenance and control, and by co-operation with the Board of County Commissioners in the several counties of the State, if necessary, to maintain state highways constructed by the State and such additional mileage as the Commission may deem necessary.

Standard guides to be erected.

Section 11. The State Highway Commission shall cause to be erected and maintained such standard guides and warning signs as it may deem necessary on and along State highways. Such signs shall be of uniform design and size throughout the State and such uniform design shall be approved by the Highway Commission. It shall

Unlawful to display other signs.

be unlawful to erect or display any other guides or warning signs on or along state highways except in case of emergency and except that trail or road associations

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having distinctive emblems or signs for their trails or roads may, at their own expense submit and furnish such emblems or signs for the approval of the State Highway Commission. Such trail or road association emblems or signs, if approved by the State Highway Commission, may be used by said trail or road association on such roads and trails as they may have assumed jurisdiction over, and on no other. The State Highway Commission shall have full control and authority over all advertising, guide, warning and other signs now constructed or placed upon or to be constructed or placed upon state highways, and shall cause to be removed any such signs conflicting with the provisions of this act, or the policies, rules and regulations now existing or to be created and adopted by the State Highway Commission. It shall be the duty of the State Highway Commission to cause to be removed any unlawful advertising, guide, warning or other sign.

Associations to submit emblems.

Authority over advertising.

Section 12. After the marking of the State Highway, or any section thereof, it shall be unlawful for any person, corporation, or association to deface, damage, or injure any state highway guide, warning or other signs, or any advertising signs erected or placed on the state highway with the approval and sanction of the State Highway Commission. Any person, corporation or association found guilty of defacing, damaging or injuring said signs shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than Ten Dollars ($10.00), nor more than One Hundred Dollars ($100.00) for each offense.

Unlawful to deface standard guides.

Misdemeanor.

Section 13. It shall be lawful for Boards of County Commissioners to transfer and convey to the State of Montana rights of way over and along county roads for State road purposes, and it is hereby made their duty to make such transfer or conveyance upon receiving notice from the State Highway Commission that a State road has been established and definitely located over a county road and that said road will be improved and maintained by the State, and that funds are available for the immediate construction of such road.

County commissioners may convey rights of way.

Section 14. Upon the selection and approval by the Commission of the system of State Highways, the Commission shall cause to be prepared an official road map of the State of Montana showing outlined thereon the exact location of said State highways prior to October 1,

Official road may to be prepared.

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May file with county clerks.

1921, if possible; a copy of such map shall be filed with each county clerk and after such selection and filing no changes except the necessary re-locations and alterations in portions of the State Highway system for purposes of construction shall be made by said Commission until further investigation or hearings are held in the county or counties in which such change or changes are proposed.

Alteration to be entered.

If, after investigation or hearing, any alteration or additions shall be deemed expedient by the Commission, the change shall be entered in writing upon the records and maps of the Commission and each county clerk shall be immediately notified to alter the official map on file with him in accordance therewith.

Rights of way, purchase by commissioner.

Section 15. The State Highway Commission shall have the power and authority to acquire by purchase or otherwise necessary rights of way for State highways and to lay out, alter, construct, improve and maintain highways in the State of Montana, and to acquire by purchase or otherwise, deposits of road-building materials, and the State Highway Commission shall have the authority to exercise the power of eminent domain in the name of the State for any of the above mentioned purposes.

Exercise of eminent domain.

Whenever it shall be deemed necessary by the Commission to secure the rights of way as herein provided, or to acquire deposits of road-building materials, and the same cannot be acquired by purchase, the Commission may direct the Attorney General or any County Attorney in any county in the State to procure the rights of way or deposits of road-building materials by proceedings to be instituted in the manner as provided in Title VII, Part III, of the Code of Civil Procedure against all non-accepting land holders and when thereunder the right of way is procured, the road must be declared public highway and open in the manner provided by law.

Attorney General to institute suit, when.

Prosecution for violation of Highway Law.

Section 16. The State Highway Commission shall have power, and it shall be its duty, to prosecute all persons guilty of any violation of "The General Highway Law."

State Highway Fund.

Section 17. For the purpose of carrying out the provisions of this Act, there is hereby created a State Highway Fund and a State Highway Trust Fund. The State Highway Fund shall be credited with all monies received for the use and purpose of the State Highway Commission from the receipt or transfer of motor vehicle license fees, as provided by law, or from other sources except as

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herein provided. The State Highway Trust Fund shall be credited with all monies received from the counties, and from the Federal Government or other agencies for expenditure by the Commission in connection with the actual construction of specific projects. All monies in the hands of any State officer on the first day of April, 1921, shall be segregated by such state officer and credited to the respective fund to which it properly belongs as above defined. Hereafter all monies collected for the State Highway Fund or the State Highway Trust Fund as authorized by law shall be credited to such fund or funds by the State Treasurer; provided, however, that nothing herein contained shall prevent the State Highway Commission from recovering from the State Highway Trust Fund monies deposited or paid into such trust fund by counties and the Federal Government or other agencies to defray the cost of engineering incident to the construction, supervision and inspection of projects carried on under the direction of the Commission.

State Highway Trust Fund.

Section 18. All accounts and expenditures shall be certified by the Highway Commissioner, approved by the State Board of Examiners, and paid by the State Treasurer upon warrants drawn by the State Auditor out of the proper funds created by this Act. In submitting claims for payment as herein provided, the State Highway Commissioner shall certify whether the warrant is to be drawn against the State Highway Fund or the State Highway Trust Fund, and if the claim is against the State Highway Trust Fund, he shall state the particular project to which the payment will apply. The State Treasurer is hereby authorized to receive all warrants drawn by the United States Government in accordance with the provisions of any Act of Congress, and to credit same to the State Highway Trust Fund.

Accounts and expenditures, how paid.

State Treasurer may receive U. S. warrants.

The State Highway Commission shall provide a system of accounting for each project considered which shall show the amount of money received therefor, and also an itemized statement of the expenses in connection therewith. Such system shall be approved by the State Board of Examiners.

Accounting system.

Section 19. Nothing contained in this Act shall be so construed as to invalidate any contracts or agreements made by the present State Highway Commission previous to the passage of this Act.

Present contracts not invalidated.

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Transfer of property by present commission.

Section 20. It shall be the duty of the present State Highway Commission to turn over to the State Highway Commission provided for in this Act, all books, records, maps, papers, monies and all property of every kind belonging to the Commission and used by it in connection with the work of the office and road construction.

Repealing Chapter 170, Laws of 1917, and Senate Bill 141, Laws of 1921.

Section 21. That Chapter 170 of the Acts of the Fifteenth Legislative Assembly of the State of Montana entitled, "An Act to establish a State Highway Commission, defining its powers and duties and providing for a State Highway Fund, and appropriating money therefor; providing for obtaining the benefits of Federal Aid under the Act of Congress approved July 11, 1916, and repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, and Senate Bill No. 141 approved by the Governor March 5, 1921, of the Session Laws of the Seventeenth Legislative Assembly of the State of Montana, be, and the same are hereby repealed and all other Acts in conflict herewith.

Section 22. This Act shall take effect and be in full force from and after April 1st, 1921.

Approved March 22, 1921.

CHAPTER 11.

An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section Fifteen of Article Twelve of the Constitution of the State of Montana, as Amended; Creating County Boards of Equalization and a State Board of Equalization, and Defining and Prescribing Their Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment to Constitution, submission of.

Section 1. That Section Fifteen of Article Twelve of the Constitution of the State of Montana, as amended, be amended as hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 15, Art. XII.

Section 2. That Section Fifteen of Article XII of the Constitution, as amended, be, and the same is hereby amended to read as follows:

"Section 15. The board of county commissioners of

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each county shall constitute the County Board of Equalization. The duties of such board shall be to adjust and equalize the valuation of taxable property within their respective counties, and all such adjustments and equalizations may be supervised, reviewed, changed, increased or decreased by the State Board of Equalization. The state board of Equalization shall be composed of three members who shall be appointed by the Governor, by and with the advice and consent of the Senate. A majority of the members of the State Board of Equalization shall constitute a quorum. The term of office of one of the members first appointed shall end on March 1st, 1925, of another first appointed on March 1st, 1927, and of the third first appointed on March 1st, 1929. Each succeeding member shall hold his office for the term of six years, and until his successor shall have been appointed and qualified. In case of a vacancy the person appointed to fill such vacancy shall hold office for the unexpired term in which the vacancy occurs. The qualifications and salaries of the members of the State Board of Equalization shall be as provided by law, provided, however, that such members shall be so selected that the board will not be composed of more than two persons who are affiliated with the same political party or organization; provided, further, that each member shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties as a member of such board, or serve on or under any committee of any political party or organization, or take part, either directly or indirectly, in any political campaign in the interest of any political party or organization or candidate for office. The State Board of Equalization shall adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in any county and in the several counties and between individual taxpayers; supervise and review the acts of the county assessors and county boards of equalization; change increase or decrease valuations made by county assessors or equalized by county boards of equalization; and exercise such authority and do all things necessary to secure a fair, just and equitable valuation of all taxable property among counties, between the different classes of property, and between individual taxpayers. Said State Board of

County Board of Equalization, duties of.

State Board of Equalization.

Appointment.

Terms of office.

Vacancy.

Qualifications.

Duties.

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Equalization shall also have such other powers, and perform such other duties relating to taxation as may be prescribed by law."

Ballots, form of.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1922, which shall have printed thereon all of Section 15 of Article XII of the Constitution of the State of Montana, as amended by this act, and below the same shall be printed the words:

☐ For the above written amendment to the Constitution.

☐ Against the above written amendment to the Constitution.

Marking ballot.

Each elector shall designate his preference by marking an X in the square before the proposition for which such elector desires to vote.

Canvass of votes.

Section 4. The votes cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall take effect and be in full force from and after its approval.

Approved March 22, 1921.

CHAPTER 12.

An Act Providing for the Disposition and Use of Moneys Derived from Bonuses, Royalties, and Rentals Paid in to the Treasury of the United States on Account of Permits or Leases Granted by the United States as Provided by the Act of Congress of February 25, 1920 (Public No. 146) and Paid by the Secretary of the Treasury of the United States to the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Distribution of oil royalties paid to U. S.

Section 1. That all sums of money derived from any and all bonuses, royalties, and rentals paid into the Treasury of the United States on account of any permits or leases granted by the Government of the United States as provided by the Act of Congress of February 25, 1920,

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and paid by the Secretary of the Treasury of the United States to the State of Montana shall be disposed of and distributed as follows, to-wit: One-half shall be deposited by the State Treasurer to the several counties of the state in proportion to the total number of teaching positions in which teachers were employed for a period of at least six (6) months during the preceding calendar year in each county in all of the public schools of the county, as shown by the statements and certificates of the county superintendent of schools of the several counties filed with the State Treasurer, and said State Treasurer must, at the time of making such appointments, notify the county superinendent of schools of each county of the amount of such fund which has been apportioned and distributed to his respective county. Within ten (10) days after receiving such notice each county superintendent of schools must apportion such amount in the following manner, to-wit: Sixty percentum (60%) thereof shall be apportioned to each school district, district high school and county high school in proportion to the total number of teaching positions in which teachers were employed for a period of not less than six (6) months during the last calendar year, for which the statement and certificate was last made and filed with the State Treasurer by such county superintendent, in each such school district, district high school and county high school; thirty-five percentum (35%) thereof shall be apportioned to each school district, district high school and county high school in proportion to the aggregate number of days attendance of all pupils who attended for a period of not less than six (6) weeks during the aforesaid calendar year in each and every school district, district high school and county high school; and five percentum (5%) thereof to be apportioned to each district high school and county high school in proportion to the aggregate number of years of accredited high school work of each district high school and county high school during the last preceding calendar year aforesaid, in each such district high school and county high school. Immediately after making such apportionment the county superintendent of schools must file with the county treasurer a statement and certificate showing the total amount apportioned to each school district, district high school and county high school, and the county treasurer must, immediately after receiving such statement and certificate deposit to the

One-half to counties in proportion to teachers.

Notice to county superintendent.

Apportionment by county superintendent.

60% on basis of teachers.

35% on basis of attendance by pupils.

5% on basis of high school work.

County superintendent to file apportionment.

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credit of each district school, district high school and county high school fund the amount to which each is entitled as shown by such statement and certificate, and the remaining one-half shall be deposited to the credit of the State Highway Fund of the State.

One-half to Highway Fund.

Section 2. The county superintendent of schools of each county in the state must, between the 15th day of April and the 1st day of May in each year, make and file with the State Treasurer a statement and certificate showing the total number of teaching positions in which teachers were employed for a period of at least six (6) months during the calendar year ending December 31st immediately preceding, in all of the public schools in such county, including kindergarten, primary, grade, district high and county high schools; provided, however, that if during such calendar year, or thereafter and before the making of such statement and certificate, any portion of a county has been detached from such county and attached to another county, or has been detached from such county and included in a new county, the number of such teaching positions within that portion of such county so detached shall not be included in the statement and certificate of the county superintendent of schools of such county, but the same shall be included in the statement and certificate of the county superintendent of schools of the county to which the portion of such county has been attached, or in the statement and certificate of the county superintendent of schools of the new county.

Statement to be filed by county superintendent.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

CHAPTER 13.

An Act Authorizing and Directing the Borrowing of Three Million Dollars ($3,000,000.00) by the State of Montana for the Purpose of Paying Outstanding Claims and Accruing Claims, Charges and Appropriations Against the General Fund of the State of Montana, Making Provisions as to the Terms and Conditions Thereof, and Directing the Disposition of the Proceeds Thereof; Providing for the Repayment of the Same and the Interest Thereon and Creating, for the Purpose of

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Such Repayment from the Moneys Accruing from Taxes Levied for General State Purposes for the Years 1921 and 1922, a Special Fund to Be Known as the "Treasury Note Redemption Fund" and Making an Appropriation for Such Repayment; Authorizing and Directing the Issuance of a Series of Treasury Notes for Said Loan, Fixing the Form Thereof, Making an Appropriation for the Payment of All Expenses Incident to Negotiation of Said Loan and the Issuance of Said Notes; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

PREAMBLE.

Preamble for issuance of Treasury Certificates.

It appearing that there are outstanding and unpaid valid claims chargeable against the general fund of the State of Montana in an amount greatly in excess of the actual cash on hand in said fund available for the payment thereof, and that in addition thereto the current expenses of the state and lawful charges against said fund are constantly accruing in an amount exceeding for the time being and temporarily, the actual cash income of said fund, but that there is outstanding in taxes levied, in addition to revenue constantly accruing to said fund from sources other than taxation, an amount in excess of three million dollars, available for the payment of any warrants, claims or charges against the said general fund immediately upon receipt of the same in cash in the treasury of the state, now therefore,

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of loan by state.

Section 1. That for the purpose of anticipating the revenue to accrue in the general fund of the State of Montana from taxes levied for the current biennium and thereby advancing the time of payment of the outstanding claims and charges against the said general fund, together with accruing charges, claims and appropriations against said fund, a loan for the use and benefit, and in the name of the State of Montana, in the principal sum of Three Million Dollars ($3,000,000.00), lawful money of the United States of America, is hereby authorized and directed, the proceeds of which said loan shall be deposited in the Treasury of the State of Montana in the general fund therein and shall be subject to the appropriations now made or hereafter to be made from or against said general fund and to disposition in like manner as all other moneys accumulating in said fund.

Loan authorized in amount of $3,000,000.

Proceeds subject to appropriation.

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Loan negotiated by treasury notes.

Section 2. Said loan shall be negotiated by the issuance and sale of a series of treasury notes of the State of Montana, all of which, except as to date, interest, rate, number and denominations, shall be substantially in the form following, to-wit:

Form of note.

No..... $.....

UNITED STATES OF AMERICA
STATE OF MONTANA
Treasury Note.

FOR VALUE RECEIVED, the State of Montana acknowledges itself to owe, and promises to pay, to bearer, at the office of the Treasurer of the State of Montana at Helena, Montana, on the ..... day of ..... A. D., 19...., the sum of $..... in lawful money of the United States of America, together with interest thereon in like money, at the rate of ..... per cent. per annum from the date hereof, interest payable semiannually on surrender of the appropriate interest coupon hereto attached. This note is one of a series aggregating the principal sum and total par value of three million dollars ($3,000,000.00), which notes are identical in all terms, conditions and respect, save and except as to numbers, dates, denominations, interest rate and maturities. All notes of said series are entitled to payment on maturity in the order of their presentation at the office of the said State Treasurer, or at the ..... in New York City, but are otherwise entitled to no priority or preference the one over the other, and all are issued in pursuance of and subject to the terms and provisions of Chapter ..... of the Acts of the Seventeenth Extraordinary Legislative Assembly of Montana of 1921 (here inserting the number of the Chapter assigned to this Act upon its passage and approval.)

It is hereby certified, recited and declared that all matters, acts, conditions and things, required by law to make this Treasury Note a valid, outstanding and binding obligation of the State of Montana, have happened, have been done and have been performed, and the faith and credit of the State of Montana is solemnly pledged for the payment of the same.

IN WITNESS WHEREOF, and pursuant to the authority in them, and each of them, vested, and under and by direction of the aforesaid Act of the Legislature, the members of the State Board of Examiners of the State of Montana have caused these presents to be executed in

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the name of the State of Montana and have hereunto affixed their, and each of their, official signatures as members of said Board, and the Secretary of State of the State of Montana has attested the same by his official signature and the Great Seal of the State of Montana at Helena, the Capital of said State this ..... day of ..... A. D., 19.....

THE STATE OF MONTANA,
By the State Board of Examiners.

.....
Governor, President of the Board.

.....
Secretary of State, Sec'y of the Board.

.....
Attorney General, Member of the Board.

Countersigned.

.....
Secretary of State.

On the back of each of said notes shall be printed the following:

"This note registered in my office on this ..... day of .....A. D., 19.....

.....
Treasurer of the State of Montana."

Interest coupons attached.

Attached to each of said notes shall be two printed, lithographed or engraved interest coupons, numbered One and Two respectively, bearing the lithographed, printed or engraved facsimile signature of the Treasurer of the State of Montana, which signature shall bind the State, and providing that the State of Montana will pay to the bearer thereof, on maturity of the coupon, a sum to be expressed in dollars and cents, which sum shall be the amount of interest due on the note to which the coupon is attached at the date of the maturity of the coupon. The coupon numbered One shall mature six (6) months from the date of the issuance of the note to which it is attached and the coupon number Two shall mature one year from the issuance of the note to which it is attached.

Maturity of coupon.

When to be dated and payable.

Section 3. All the said treasury notes shall bear date on the day they are actually issued and shall be due and payable not to exceed one year from such date. All said notes and the interest coupons thereunto attached shall be made payable to the bearer at the office of the State Treasurer of the State of Montana, in Helena,

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Montana, on maturity and shall be entitled to payment in the order of their presentation, otherwise without preference or priority one over the other; provided, however, that the State Board of Examiners may provide that said notes and interest coupons attached thereto shall be payable at some bank or trust company in New York City, to be selected and designated by such State Board of Examiners. All of said Treasury Notes issued during the year 1921 shall bear interest at a rate not to exceed seven and one-half percent (7 1/2%) per annum; all said notes issued during the year 1922 shall bear interest at a rate not to exceed seven percent (7%) per annum; all interest shall be payable semi-annually, and each and all of said notes shall be issued subject to the terms and conditions set forth in the form of note hereinbefore set out and to such other and further terms and conditions as are in this Act specified and as the State Board of Examiners shall specify under the authority hereinafter vested in them.

Board of Examiners may authorize payment in New York.

Interest on notes.

Interest, when payable.

Board of Examiners to determine amount to be sold.

Section 4. The State Board of Examiners of the State of Montana are hereby authorized, directed and empowered at any time after the passage and approval of this Act, and prior to the close of the fiscal year 1922, in their discretion, by resolution to be entered of record in the minutes of their proceedings, by a majority vote, to order the sale of such amounts of said notes as they deem best, in denominations to suit the purchaser, and at the lowest interest rate obtainable on bids as hereinafter provided, but in no case exceeding the rates hereinbefore prescribed, payable semi-annually; provided, however, that the said Board shall not order or permit to be sold during the year 1921 an amount of notes exceeding in their total par value plus interest to date of maturity, the total tax levy in said year for general state purposes, nor shall said Board during said year sell or permit to be sold more than one-half of the total Treasury Notes hereby authorized; and, further, that during the year 1922, the said Board shall not order to be sold, nor permit to be sold an amount of said notes exceeding in total par value, plus interest to date of maturity, the amount of taxes levied in the year 1922 for general state purposes. Immediately upon the passage and adoption by the Board of any such resolution, the said Board of Examiners shall publish for ten (10) days in two daily newspapers of general circulation published in the State

Sale for 1921 not to exceed tax levy.

Sale for 1922 not to exceed tax levy.

Advertisement for bids for sale.

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of Montana, a notice specifying the notes to be sold, the amount thereof, the place of payment and the maximum interest rate, that the denominations will be made to suit such purchasers, that interest will be payable semi-annually, and asking that bids therefor, specifying, in addition to the price offered, the rate of interest at which the bidder will purchase the said notes and likewise the denominations desired, be submitted to the said Board at or prior to the day and hour to be specified in the notice, which time shall not be less than ten (10) days from the publication of the notice. The notice shall also require that each bid be accompanied by certified check in amount to be fixed by the Treasurer as guaranty that the bidder will accept the notes in accordance with the terms of his bid, if it be accepted, and further that all bids shall be subject to rejection. At the expiration of the time specified in the notice for receipt of bids, all said bids shall be received by the State Board of Examiners and the Board may reject any and all bids. The notice shall also require that each bid be accompanied by a certified check in the amount fixed by the Board as guaranty that the bidder will accept the notes in accordance with the terms of his bid, if it be accepted. Notice shall also provide that the Board shall reserve the right to reject any and all bids at the expiration of the time specified in the notice of receipt of bids. All said bids which have been received shall be considered by said Board and the notes sold to the best bidder; provided, always that no notes shall be sold on any other terms than that of cash and none for less than the par value thereof and accrued interest, if any. And provided, further, that the State Board of Examiners may, if deemed desirable and to the best interest of the State, sell said notes at private sale. Immediately upon the completion of any sale, the said Board shall make a verified return of said sale to the State Treasurer, specifying the number of bids received, the maker of each, the amount, interest rate, terms and conditions specified in each, and showing further the person to whom said notes were sold and the price, terms and conditions of sale.

Certified check.

Bids subject to rejection.

Sold to best bidder.

Terms of sale.

Sale at private sale.

Return to State Treasurer.

Section 5. Immediately after the sale of all or any installment of the said notes, the Treasurer of the State of Montana is hereby authorized, directed and empowered to cause to be prepared, a series of printed, litho-

State Treasurer to prepare notes.

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graphed or engraved Treasury Notes of the State of Montana in the form hereinbefore set forth, dated as of the date the same are to be issued, numbered consecutively —if it be the first installment, from One upward, and in the case of subsequent installments, numbered consecutively from the highest number of the last previous installment—in the denominations and bearing the rate of interest specified in the accepted bid and with interest coupons thereto attached as hereinbefore described, specifying the amount of interest and the date of maturity in words and figures. Immediately after the preparation of said notes, the same shall be subscribed by the members of the State Board of Examiners of the State of Montana, in their official capacity and attested by the Secretary of State by his official signature and the Great Seal of the State of Montana, and immediately thereafter the same shall be registered by the Treasurer of the State of Montana, in a book to be kept by him for that purpose.

Form and contents.

Subscribed by Board of Examiners.

Registered by treasurer.

Appropriation to pay interest.

Section 6. For the purpose of paying the first semi-annual installment of interest, if any, coming due on said treasury notes, there is hereby appropriated from the general fund for the said purpose, a sum equivalent to the amount of such interest payment, and the State Treasurer is directed to pay the coupons representing such interest upon maturity from the said general fund. For the purpose of paying said Treasury Notes, as the same become due and of paying interest thereon maturing after the close of the calendar year 1921, there is hereby created in the Treasury of the State of Montana, a special fund to be known as the "Treasury Note Redemption Fund", so much of the moneys accruing in the treasury of the State of Montana in the year 1921, from taxes levied for general state purposes as will equal the amount of Treasury Notes and interest coupons issued and outstanding, and to become due during the year 1922, and so much of the moneys accruing into the Treasury of the State of Montana in the year 1922, from taxes levied for general State purposes as will equal the amount of treasury notes and interest coupons issued and outstanding, and to become due in the year 1922 and thereafter, are hereby apportioned to, set apart to, and shall be paid, into and transferred to, said "Treasury Note Redemption Fund" and the said "Treasury Note Redemption Fund" and all moneys ac-

"Treasury Note Redemption Fund," creation of.

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Appropriation to pay notes.

cruing or to accrue therein are hereby appropriated exclusively to and for the payment of such treasury note and the interest thereon. The appropriation and transfer of said moneys arising from said tax levies for the years 1921 and 1922, as hereinbefore provided, is, and shall be, a claim and charge on said tax money accruing in said year to the "Treasury Note Redemption Fund", and, until funds sufficient to pay and discharge all said treasury notes and coupons maturing during any fiscal year have been diverted from said tax moneys, no payment, transfer or disposition of any kind or character shall be made therefrom.

Payment of notes and interest after 1921.

Section 7. The Treasurer of the State of Montana is hereby authorized, directed and empowered upon maturity of any of the said coupons belonging to said series of notes maturing after the close of the fiscal year 1921, to pay to the bearer thereof on presentation and surrender of the same at his office, or at the bank or trust company in the City of New York, selected or designated by the State Board of Examiners, the amount thereof and upon maturity of the said notes and each of them, said Treasurer is authorized, directed and empowered to pay the principal sum thereof to the bearer upon presentation and surrender of the same at his office, or at the bank or trust company in the City of New York, designated by the State Board of Examiners, all of which payments of notes and coupons shall be made in the order of presentation and all of which, with the exception of installments of interest falling due during the year 1921 and hereinbefore provided for, shall be paid from the "Treasury Note Redemption Fund" and upon the surrender of any coupons or notes, the Treasurer shall cancel and mark the same paid.

Interest for 1921 to be paid how.

Appropriation for expense.

Section 8. That for the purpose of paying the expense of making said loan and the preparation and sale of said notes and the registration of the same, and all other incidental expenses in connection with said loan, and the repayment thereof, there is hereby appropriated from any moneys in the general fund of the State of Montana, not otherwise appropriated, the sum of One Thousand Dollars ($1,000.00) or as much thereof as may be necessary.

Section 9. All acts and parts of acts in conflict with this Act, or any part thereof, are hereby repealed.

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Emergency clause.

Section 10. Whereas, the passage of this Act is necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this Act shall take effect and be in full force from and after its passage and approval.

Approved March 24, 1921.

CHAPTER 14.

An Act to Establish a Tax on Direct and Collateral Inheritances, Bequests and Devises; to Provide for Its Assessment and Collection; and Directing the Disposition of the Proceeds Thereof; and Repealing, Subject to Certain Reservations, Sections 7724 to 7751, Both Inclusive, of the Revised Codes of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax on inheritances imposed.

Section 1. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise,

Certain bequests and devises excepted.

to any person, association or corporation, except the state or any of its institutions, county, town and municipal corporations within the state, for strictly county, town or municipal purposes, and corporations of this state organized under its laws, or voluntary associations, organized solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state in the following cases, except as hereinafter provided:

Transfer by resident of state.

(1). When the transfer is by will or by the intestate laws of this state from any person dying possessed of the property while a resident of the state.

Transfer by non-resident.

(2). When a transfer is by will or intestate law, of property within the state or within its jurisdiction and the decedent was a non-resident of the state at the time of his death.

Transfer in contemplation of death.

(3). When the transfer is of property within this state and such transfer is made by a resident or by a non-resident when such non-resident's property is within this state, or within its jurisdiction, by deed, grant, bargain, or gift made in contemplation of the death of the grantor, vendor, or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by

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deed, grant, bargain, or gift, made within two (2) years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and is without other valuable consideration, shall be prima facie presumed to have been made in contemplation of death within the meaning of this Section.

Transfer 2 years prior to death made in contemplation of death.

(4). Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy to any property or the income thereof, by any such transfer whether made before or after the passage of this Act; provided, that property or estates which have vested in such persons or corporations before this Act shall take effect, shall not be subject to a tax under the provisions of this Act, but shall be subject to a tax under the provisions of the inheritance tax laws in force at the date the property or estates vested in such persons or corporations; and provided, further, that contingent interests created by the will or conveyance of any person who died prior to the passage of this Act shall not be taxed hereunder, but shall be taxed under such prior inheritance tax laws.

Transfer before or after passage of act, tax imposed.

Estates already vested excepted from Act.

(5). Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of this Act, such appointment when made, shall be deemed a transfer taxable under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act, shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possessing or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Powers of appointment, transfer taxable when.

Failure to exercise power of appointment, effect of.

(6). Whenever any property, real or personal, is held in the joint names of two or more persons, or as tenants by the entirety, or is deposited in banks or other institu-

Property in joint names, tax imposed how.

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tions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer of one-half or other proper fraction thereof taxable under the provisions of this Act in the same manner as though the property to which such transfer relates belonged to the tenants by the entirety, joint tenants or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, by such deceased tenant by the entirety, joint tenant or joint depositor, by will, except such part thereof as may be shown to have originally belonged to the survivor and never to have belonged to the decedent.

Tax imposed on market value. Exemptions deducted.

(7). The tax so imposed shall be upon the clear market value of such property at the rates hereinafter prescribed and only upon the excess of the exemptions hereinafter granted.

Estates not in excess of $25,000 tax imposed how.

Section 2. When the property or any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption hereinafter specified, and shall not exceed in value Twenty-five Thousand Dollars ($25,000.00) the tax hereby imposed shall be:

When on 1% of value.

(1). Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent, or any child adopted as such in conformity with the law, or any child to whom such decedent for not less than ten (10) years prior to such transfer stood in the mutual acknowledged relation of a parent; provided, however, such relation began at or before the child's fifteenth birthday, and was continued for said ten (10) years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per cent (1%) of the clear value of such interest in such property.

When on 2% of value.

(2). Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son or the husband of a daughter of the decedent, at the rate of two per cent

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(2%.) of the clear value of such interest in such property.

(3). Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per cent (3%) of the clear value of such interest in such property. When on 3% of value.

(4). Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per cent (4%) of the clear value of such interest in such property. When on 4% of value.

(5). Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body corporate or body politic outside this state, at the rate of five per cent (5%) of the clear value of such interest in such property. When on 5% of value.

Section 3. The foregoing rates in Section 2 are for convenience termed the primary rates. Primary rates.

When the amount of the clear value of such property or interest exceeds Twenty-five Thousand Dollars ($25,000.00), and the beneficiary entitled thereto shall belong to any of the classes mentioned in subdivisions 2, 3, 4 and 5 of Section 2 of this Act, the rates of tax upon such excess shall be as follows: Estate in excess of $25,000, tax imposed, how.

(1). Upon all in excess of Twenty-five Thousand Dollars ($25,000.00), and up to Fifty Thousand Dollars ($50,000.00), two (2) times the primary rates.

(2). Upon all in excess of Fifty Thousand Dollars ($50,000.00), and up to One Hundred Thousand Dollars ($100,000.00), three (3) times the primary rates.

(3). Upon all in excess of One Hundred Thousand Dollars ($100,000.00), and up to Five Hundred Thousand Dollars ($500,000.00), four (4) times the primary rates.

(4). Upon all in excess of Five Hundred Thousand Dollars ($500,000.00), five (5) times the primary rates.

(5). No such tax, however, shall exceed fifteen per cent (15%) of the property transferred to any beneficiary. Tax not to exceed 15%.

Section 4. The following exemptions from the tax to Exemptions from first $25,000.

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be taken out of the first Twenty-five Thousand Dollars ($25,000.00), are hereby allowed:

Property transferred to state and for charitable purposes.

(1). All property transferred to the state or any of its institutions or municipal corporations within this state for strictly county, city, town or municipal purposes, or to corporations or voluntary associations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organizations within the state is excepted from the operation of this Act.

$10,000 exemption to widow.

(2). Property of the clear value of Ten Thousand Dollars ($10,000.00), transferred to the widow of the decedent, and Two Thousand Dollars ($2,000.00), transferred to each of the other persons described in the first subdivision of Section 2, shall be exempt. Exemption to the widow shall include her dower and homestead rights.

$2,000 to others in Subd. 1, Section 1.

Exemption includes dower and homestead rights

$500 to persons in Subd. 2, Sec. 2.

(3). Property of the clear value of Five Hundred Dollars ($500.00), transferred to each of the persons described in the second subdivision of Section 2 shall be exempt.

$250 to persons in Subd. 3, Sec. 2.

(4). Property of the clear value of Two Hundred and Fifty Dollars ($250.00), transferred to each of the persons described in the third subdivision of Section 2, shall be exempt.

$150 to persons in Subd. 4, Sec. 2.

(5). Property of the clear value of One Hundred and Fifty Dollars ($150.00), transferred to each of the persons described in the fourth subdivision of Section 2, shall be exempt.

$100 to persons in Subd. 5, Sec. 2.

(6). Property of the clear value of One Hundred Dollars ($100.00), transferred to each of the persons and corporations described in the fifth subdivision of Section 2, shall be exempt.

No tax on property and of state, when.

(7). No tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without the state, and when the transfer of such property is subject to an inheritance or transfer tax in the sate where located, and which tax has actually been paid; provided such property is not without this state temporarily nor for the sole purpose of deposit or safekeeping; and provided the laws of the state where such property is located allow a like exemption in relation to such property left by a resident of that state and located in this state.

Taxes due and payable when.

Section 5. (1). All taxes imposed by this Act shall

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be due and payable at the time of the transfer, except as hereinafter provided; and every tax shall be and remain a lien upon the property transferred until paid, and the person to whom the property is transferred, and the administrators, executors and trustees of every estate so transferred shall be personally liable for such tax until its payment.

Taxes paid to whom.

(2). The tax shall be paid to the State Treasurer or to the treasurer of the county in which the district court is situated having jurisdiction as herein provided; and if paid to the county treasurer, such county treasurer shall make a triplicate receipt of such payment, one of which he shall keep on file in his office, one of which he shall immediately send to the State Treasurer, whose duty it shall be to charge the county treasurer so receiving the tax, with the portion due the state thereof; and one receipt shall be delivered to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts.

Tax to be paid before final account approved.

(3). But no executor, administrator or trustee shall be entitled to have approved any final account of any estate, in settlement of which a tax is due under the provisions of this Act, unless he shall produce such receipts or a certified copy thereof, or unless a bond shall have been filed as prescribed by Section 9.

Bond given.

Discount if paid in year.

Section 6. If such tax is paid within one (1) year from the accruing thereof, a discount of five per cent (5%) shall be allowed and deducted from said tax, but if not so paid, interest at the rate of ten per cent (10%) per annum shall be charged and collected from the time said tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and paid as herein provided, in which case interest at the rate of six per cent (6%) per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per cent (10%) shall be charged; provided, however, that litigation to defeat the payment of the tax shall not be considered as necessary litigation. And in all cases where a bond shall be given, under the provisions of Section 9 of this Act, interest shall be charged at the rate of six per cent (6%) per annum from the accrual of the tax until the date of payment thereof.

10% charged when tax not paid.

6% when delayed by litigation.

6% when bond given.

Sale of property to pay tax.

Section 7. Every executor, administrator or trustee

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shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such administrator, executor or trustee, having in charge or in trust any legacy or property for distribution, subject to such tax, shall deduct the tax therefrom; and within thirty (30) days therefrom shall pay over the same to the county treasurer as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property, subject to tax under this law, to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor, or trustee, and the tax shall remain a lien or charge on such real property until paid, and the payment thereof shall be enforced by the executor, administrator, or trustee in the same manner that payment of the legacy might be enforced by the Attorney General under Section 16. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor, or trustee, shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment if the case require it, of the sum to be paid into the hands of such legatees, and for further order, relative thereto as the case may require.

Collection of tax on legacy.

Refund of debt, payment of tax.

Section 8. (1). If any debt shall be proved against the estate of a decedent, after the payment of any legacy or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share and such person is required by the order of the district court having jurisdiction of the tax so deducted or paid, to refund the amount of such debts or any part thereof, an equitable proportion thereof shall be repaid to such person by the executor, administrator or trustee, if the said tax has not been paid to the county treasurer or State Treasurer or by them, in the proper proportionate shares, if it has been so paid.

Refund of tax erroneously paid.

(2). When any amount of said tax shall have been

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paid erroneously to the county and state treasurer, or to either of them, it shall be lawful for them, on satisfactory proof to the State Board of Equalization of such erroneous payment, to refund to the executor, administrator, person or persons who shall have paid any such tax in error the county's and state's proportionate amount of such tax so paid; provided that all such applications for refund shall be made within two (2) years from the date of such payment.

Application for refund.

Section 9. Any beneficiary of any property chargeable with a tax under this Act, and any executors, administrators and trustees thereof may elect within One (1) year from the date of the transfer thereof as herein provided, not to pay such tax until the person or persons beneficially interested therein shall come into the actual posesssion or enjoyment thereof. The person or persons so electing shall give a bond to the state in a penalty of twice the amount of any such tax, with such sureties as the district court of the proper county, or the State Board of Equalization as the case may be, may approve, conditioned for the payment of such tax and interest thereon, at such time or period as the person or persons beneficially interested therein may come into the actual possession or enjoyment of such property, which bond shall be filed in the district court or in the office of the State Treasurer, as the case may be, and such bond must be renewed every five (5) years.

Election not to pay tax when not in possession.

Bond to be filed.

Renewal of bond.

Section 10. If a testator bequeaths property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees in an amount exceeding the commissions or allowances prescribed by law for the executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by this Act.

Bequests in lieu of commissions, taxable.

Section 11. (1) If a foreign executor, administrator or trustee shall assign or transfer any stock or obligation in this state, or within the jurisdiction of this state standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the treasurer of the proper county or the State Treasurer on the transfer thereof, otherwise the corporation permitting such transfer shall become liable to pay such tax.

Corporations liable to pay tax on transfer by foreign executor.

(2). Where stocks, bonds, mortgages or other securities of corporations organized under the laws of this

Tax on transfer of stock by non-resident decedent, how determined.

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state or of foreign corporations owning property or doing business in this state shall have been transferred by a non-resident decedent, the tax shall be upon such proportion of the value thereof as the property of such corporation in this state bears to the total property of the corporation issuing such stock, bonds, mortgages or other securities.

Tax on transfer of stock of holding company, how determined.

(3). If any stocks, bonds, mortgages or other securities of a holding company or other corporation are based upon or represent in whole or in part the value of any stocks, bonds, mortgages or other securities of a Montana corporation or a corporation owning property in this state, either directly or indirectly, the transfer of the stocks, bonds, mortgages or other securities of such holding company or other corporation shall be subject to the inheritance tax in the proportion which the Montana property bears to the total property represented by or subject to the total stocks, bonds, mortgages, or other securities of which those so transferred are a part.

Deductions for debts, etc., when property partly within and partly without state.

(4). Whenever a tax may be due from the estate, or the beneficiaries therein of any resident or non-resident decedent upon the transfer of any property, when the property or estate left by such decedent is partly within and partly without this state, or upon any stocks, bonds, mortgages or other securities representing property or estate partly within and partly without this state, any beneficiary of such estate shall be entitled to deduct only a proportion of his share of the debts, expenses of administration and of his Montana exemption equal to the proportion which his interest in the property within this state, or within its jurisdiction, bears to his entire interest in such estate.

Reports, Board of Equalization may require.

(5). The State Board of Equalization shall require such reports and information and shall make such orders, rules and regulations as it may deem necessary to enable the State Board of Equalization to secure the necessary information from corporations, domestic and foreign and to ascertain the amount of and collect such tax; and no holding company or other corporation, subject to the provisions of this section shall deliver or transfer any such stocks, bonds, mortgages or other securities of a non-resident decedent based upon or representing in whole or in part, directly or indirectly, the value of Montana property, or stocks, bonds, mortgages or other securities of a Montana corporation or a corporation owning prop-

Holding company may not transfer stock when.

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erty in this state, without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of such transfer, except upon order of the proper court or a certificate of consent to transfer from the State Board of Equalization.

Penalty for violation of Act by holding company.

(6). Any corporation or holding company violating the provisions of this section shall be liable to the state for the amount of the tax, together with a penalty of ten per cent (10%) thereof; and for wilful violation of its provisions shall forfeit its charter or its license to do business within this state upon complaints of the State Board of Equalization and conviction thereunder.

District Court, jurisdiction of.

Section 12. The district court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such an estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws, and to do any act in relation thereto authorized by law to be done by a district court in other matters or proceedings coming within jurisdiction; and if two or more district courts shall be entitled to exercise any such jurisdiction, the district court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other district court.

Ancillary letters notice of to Board of Equalization.

(2). Every petition for ancillary letters testamentary or of administration shall include the State Board of Equalization as a person to be notified, and a true and correct statement of all of the decedent's property in this state with the value thereof; upon presentation thereof, the district court shall cause the order for hearing to be served upon the said Board, and upon the hearing the district court shall determine the amount of inheritance tax which may be or become due, and the order awarding the letters may contain provisions for the payment of such tax or the giving of security therefor.

Application to transfer stock etc., of heir, etc., of non-resident, decedent, whose estate does not require administration.

(3). Any personal representative, trustee, heir, devisee or legatee of a non-resident decedent leaving no state requiring administration in this state, desiring to transfer any stocks, bonds, mortgages or other securities, or other personal property in this state or within the jurisdiction of this state, may make application to the State Board of Equalization for the determination of

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Affidavit, contents of.

whether there is any tax due upon account of the transfer thereof, and the amount of any such tax, and such applicant shall furnish to the State Board of Equalization therewith, an affidavit setting forth a description and statement of the property owned by the decedent situated within this state, or within its jurisdiction at the time of his death, the true value of said property at the time of decedent's death; a description and statement of the true value of all property owned by the decedent at the time of his death situated outside of this state and without its jurisdiction; and containing a schedule or statement of all valid claims against the estate of the decedent, including the expenses of his last illness, funeral expenses and expenses of administering his estate. Such applicant shall also, at the same time, furnish the State Board of Equalization with a certified copy of the last will of the decedent, in case he died testate, or an affidavit setting forth the names, ages, and residences of the heirs at law of decedent in case he died intestate, and the proportion of the entire estate of said decedent inherited by each of said persons, and the relation, if any, which each legatee, devisee, heir or transferee sustained to the decedent, or person from whom the transfer was made. Such affidavit shall be subscribed and sworn to by the personal representative of the decedent, or some other person having knowledge of the facts therein set forth.

Board of Equalization to determine tax due.

The statements contained in any affidavits, statements or schedules as to values, or otherwise, shall not be binding upon the State Board of Equalization in case they believe the same to be erroneous or untrue. From the information so furnished them and such other information as they may be able to obtain with reference thereto, the State Board of Equalization shall, with reasonable diligence, proceed to ascertain and determine the amount of tax, if any, due under the provisions of this Act, and notify the person making the application of the amount of the tax so ascertained and determined to be due; or in case there is no tax to be paid, the State Board of Equalization shall issue a consent to the transfer of the property so owned by the decedent.

Appeal from decision of Board to District Court.

Any person aggrieved by the determination of the State Board of Equalization in any matter herein provided for in this subdivision, may, within thirty (30) days thereafter, appeal to the District Court of Lewis and Clark

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County, or the district court of the county of his residence, if he be a resident of this State, by serving on the State Board of Equalization a notice in writing setting forth his objections to such determination, and by filing such notice, after so serving the same, in the office of the clerk of such Court, and thereupon, and within ten days (10) after the service of such notice on them the State Board of Equalization shall transmit full and complete copies of all original papers and records which have been filed with them in relation to such application, to the Clerk of said District Court, and thereupon the said District Court shall have jurisdiction of such application and proceeding. Upon ten days' (10) notice given by either the applicant or the State Board of Equalization, the matter may be brought on for hearing and determination by said Court, either in term time or in vacation, at a general or special term of court, or at chambers, as may be directed by the order of the court.

Hearing by court, conduct of.

The court may determine any and all questions of law and fact necessary to the enforcement of the provisions of this Act, according to its intent and purpose, and may, by order, direct the correction, amendment or modification of any determination made by the State Board of Equalization. On such hearing, either party may introduce the testimony of witnesses and other evidence in the same manner and subject to the same rules which govern in the trial of civil actions. When necessary, the court may adjourn or continue its hearings from time to time to enable the parties to secure the attendance of witnesses, or the taking of depositions. Depositions may be taken and used in such proceedings in the same manner as is now provided by law for the taking and using of depositions in civil actions.

Appeal to Supreme Court.

The State Board of Equalization or any person aggrieved, by any order of the district court, may appeal to the Supreme Court from such order made by such district court within the time and in the manner provided by law for the taking of appeals from orders in civil actions.

Board of Equalization to give notice when no application made to determine tax.

(4). Whenever any non-resident decedent, leaving no estate requiring administration in this state, shall leave any stocks, bonds, mortgages or other securities, or other personal property within this state or within the jurisdiction thereof, and no personal representative, trustee, heir, devisee or legatee of such non-resident decedent has

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made application to the State Board of Equalization for the determination of whether there is any tax due for the transfer thereof and the amount of such tax, if any, the State Board of Equalization, upon such matter being called to its attention, shall make an order, and cause a copy thereof to be served upon the personal representative, trustee, heirs, devisees or legatees of such non-resident decedent, ordering and directing that a statement and return, under oath, containing the statements and information prescribed in subdivision 3 of this Section, be filed with such Board within thirty days (30) from the date of such order, or within such further time as the State Board of Equalization may grant therefor; and if such statement is not filed with the State Board of Equalization within such time the State Board of Equalization may then procure such information in any manner it may deem advisable. Upon the filing of such statement, or the procuring of such information by the State Board of Equalization in the event of a failure to file the same in compliance with such order, the State Board of Equalization shall proceed in the same manner as prescribed by subdivision 3 of this Section, and all provisions thereof with reference to hearings and appeals shall be applicable thereto.

Taxes deposited in general fund.

(5). All taxes levied and collected and paid to the State Treasurer under the provisions of subdivisions 3 and 4 of this Section shall be by such State Treasurer deposited in the State Treasury to the credit of the general fund of the state.

Appointment of person to fix market value by district court.

Section 13. The district court, upon the application of any interested party, including the State Board of Equalization, or upon its own motion, shall, as often as and whenever occasion may require, appoint a competent person as a special appraiser to fix the clear market value at the time of the death of the decedent or transfer thereof of any property of a decedent whose estate shall be subject to the payment of any tax imposed by this Act.

Notice of appraisal.

Section 14. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the State Board of Equalization, and to such persons as the district court may by order direct, of the time and place when he will appraise such property. He shall at such time and place appraise the same at its clear market value as herein prescribed, and for that purpose the

Powers to summon witnesses and take testimony.

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appraiser is authorized to issue subpoenas and to compel the attendance of witnesses and on order of such district court the production of documents, books, and records pertinent to such appraisal before him, and to take the evidence of such witnesses, under oath, concerning such property and the value thereof, and he shall make report thereof in writing to the said district court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said district court may order or require.

Compensation of appraisers.

Every appraiser shall be allowed compensation at the rate of Five Dollars ($5.00) per day for every day actually and necessarily employed in such appraisal and his actual and necessary traveling expenses, and witnesses shall be allowed the same fees as are allowed witnesses in civil actions in courts of record, and the same shall be paid by the county treasurer, on the certificates of the district judge, out of any of the state's inheritance tax funds he may have in his posssesion.

Witness fees.

Expenses, how paid.

Report of appraiser.

Section 15. (1) The report of the special appraiser shall be made in duplicate, and not less than ten days (10) before the hearing thereon, one of said duplicates shall be filed in the office of the clerk of the district court, and the other shall be mailed to the State Board of Equalization. At the time and place of hearing the account of the administrator or executor, the district court shall examine such report, and from the report and other proofs relating to any such estate, shall forthwith determine the clear market value of such estate and the amount of tax to which the same is liable; or the district court, without appointing such appraiser, may at the time so fixed, hear evidence and determine the cash value of such estate, and the amount of tax to which the same is liable.

District to fix market value.

Notice of hearing, how given.

(2) Notice of such hearing to determine the inheritance tax shall be given in the same manner and may be included in the notice of hearing the account of the executor or administrator as provided in Section 7645 Revised Codes, 1907, except where it is clearly evident that no tax is due; and the hearing to determine such tax shall be held at the same time and place as the hearing provided in said Section 7645, or at such other time as the court may order. But notice in writing of such hearing shall be mailed to the State Board of Equalization, not later than ten days (10) before such hearing,

Notice of hearing to Board of Equalization.

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upon such blanks and containing such information as the State Board of Equalization may prescribe.

Additional appraiser, appointment by court.

If the district court, without appointing such special appraiser, decides to hear evidence as to the clear market value of the estate for inheritance tax purposes, the court may, at the time of the appointment of the regular appraisers of the estate, or at any time thereafter, on its own motion or on motion of the State Board of Equalization designate an additional appraiser to represent the state, and such additional appraiser shall report the inventory and appraisal of said property with the other appraisers; or in case of failure to agree, in a separate report, and he shall be entitled to compensation of Five Dollars ($5.00) per day for each day necessarily employed in such appraisal, and his mileage, which fees shall be paid on the certificate of the district judge by the county treasurer out of any of the state's inheritance tax funds he may have in his possession.

Compensation and expenses.

Value of future estate, Commissioner of Insurance to determine.

(4) The Commissioner of Insurance shall, on application of the district court, or of the State Board of Equalization determine the value of any such future or contingent estates, income, or interests therein, limited, contingent, dependent or determinable upon the life or lives of the person or persons in being upon the facts contained in the district court's finding and determination and contained in such special appraiser's report or upon the facts, and certify the same to the district court or State Board of Equalization and his certificate shall be presumptive evidence that the method of computation adopted therein is correct.

Appraisal to be made when.

(5) Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable. The value of every future or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be determined by the rule, method and standard of mortality and value employed by the commissioner of insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies except that the rate of interest for making such computation shall be five per cent (5%) per annum. The tax so determined shall be construed to be upon the transfer of a proportion of the principal or corpus of the estate

Value of future estate, how determined.

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equal to the present value of such future or limited estate, income, interest, or annuity, and not upon any earnings or income of said property produced after death, and such earnings or income shall not be exempt from income tax. Such tax shall be due and payable forthwith, except as otherwise provided in this Act.

(6) In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent incumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgement, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the incumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect to the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided in Section 8.

Contingent incumbrance, no allowance for.

Exception.

(7) Where any property shall, after the taking effect of this Act, be transferred subject to any charge, estate or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon the extinction or determination of such charge, estate, or interest shall be deemed a transfer of property taxable under the provisions of this Act, in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

Transfer, what is deemed.

(8) When property is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of the said contingencies or said conditions, would be possible

Contingent interest, rate of tax on.

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under the provisions of this Act, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of this Act, is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate and the amount of such increased tax shall be enforced and collected as provided in this Act.

On happening of contingency, difference in rate of tax imposed.

Estates in expenctancy, how taxed.

(9) Estates in expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Order by court determining tax.

(10) Upon the determination by the district court of the value of any estate which is taxable under the inheritance tax laws, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (1) the date of death of the decedent, (2) the gross value of the real and personal property of such estate, stating the principal items thereof, (3) the deductions therefrom allowed by the court, (4) the names and relationships of the persons entitled to receive the same, with the amount received by each, (5) the rates and amounts of inheritance tax for which each such person is liable, and the total amount of tax to be paid, (6) a statement of the amount of interest or penalty due, if any. Such order shall be substantially in the form prescribed by the State Board of Equalization. A copy of the same shall be delivered or mailed to the county treasurer, the State Treasurer, and the State Board of Equalization, and no final account shall be approved in such estates until due proof is filed with the court that such copies have been so delivered or mailed, and receipts are filed in such court showing the

Form of order of court.

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payment of all such taxes, or proof is filed showing that the bond authorized by Section 9 of this Act has been given as therein provided.

Rehearing, application for.

(11) The Attorney General, State Board of Equalization, or any interested person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the district court within sixty (60) days from the fixing, assessing and determination of the tax by the district court as herein provided, on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings and proofs had and taken on the hearing as herein specified, unless additional or newly discovered evidence be among the grounds of application therefor and a new trial shall not be had or granted unless specially ordered by the district court.

Application for re-appraisal by Attorney General.

(12) Within one (1) year after the entry of an order or decree of the district court determining the value of an estate, and assessing the tax thereon, the Attorney General may, if he believes that such appraisal, assessment or determination has been fraudulently or collusively made, make application to the district court for a reappraisal thereof. The district court to whom such application is made may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers, be subject to the duties, shall give the notice and receive the compensation prescribed by Sections 14 and 15 of this Act. Such compensation shall be payable by the county treasurer on the certificate of the district judge out of any of the state's inheritance tax funds he may have in his possession. The report of such appraiser shall be filed in the office of the clerk of the district court, and thereafter the same proceedings shall be taken and had by and before such district court as herein provided to be taken and had by and before said court by Section 15 of this Act. The determination and assessment of such district court shall supersede the former determination and assessment of such court, and a copy thereof shall be filed in the office of the county treasurer, State Treasurer and State Board of Equalization.

Re-appraisement.

Application for citation to show cause why tax should not be paid.

Section 16. If the treasurer of any county, the State Treasurer or the State Board of Equalization shall have reason to believe that any tax is due and unpaid under

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the provisions of this Act, after the refusal or neglect of any person liable therefor to pay the same, he or they shall notify the Attorney General in writing of such failure or neglect, and such Attorney General, if he has probable cause to believe that such tax is due and unpaid, shall apply to the district court for a citation, citing the person liable to pay such tax before the court on the day specified, not more than three months from the date of such citation, and show cause why the tax should not be paid. The judge of such district court, upon such application and whenever it shall appear to him that any such tax, accruing under this Act, has not been paid as required by law, shall issue such citation, and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable, and the payment thereof cannot be enforced under the provisions of this Act in said district court, the person or corporation from whom the same is due is hereby made liable to the state for the amount of such tax, and it shall be the duty of the Attorney General, in the name of the state, to sue for and enforce the collection of such tax, and it is made the duty of the county attorney to appear for and act on behalf of any county treasurer, who shall be cited to appear before any district court under the provisions of this Act.

Service of citation.

Corporation made liable.

Suit to enforce collection.

Application by public administrator for payment of tax.

Section 17. (1) When no application for administration of the estate of any deceased person is made within ninety (90) days after the demise of such person, and such estate appears to come under the provisions of the inheritance tax laws, or when administration has been completed without determining the tax, the public administrator of the proper county, or any person interested in such estate, may make application for such special or general administration as may be necessary for the purpose of the adjustment and payment of such tax, if any, or if no tax is due, for an order determining that fact. In cases arising under this and the following subsection, the public administrator, if appointed such administrator, shall be entitled to the fees allowed by law to administrators, unless it be found that no tax is due.

Application by public administrator for taxes when transfer made in contemplation of death.

(2) Where it appears that the estate of a deceased person subject to the inheritance tax laws was transferred

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in contemplation of the death of the grantor without the adjustment and payment of the inheritance taxes and no application for such adjustment is made within sixty (60) days after the demise of such grantor, the public administrator of the proper county shall make application for and shall be entitled to such general or special administration as may be necessary for the purpose of the adjustment and payment of the inheritance taxes provided by law and shall administer such estate the same as other estates are administered as though such estate had not been transferred by the grantor.

Public administrator to investigate estates.

(3) It shall be the duty of the public administrator, under the general supervision of the State Board of Equalization and with the assistance of the county attorney, when required by the State Board of Equalization or district judge, to investigate the estates of deceased persons within his county and to appear for and act in behalf of the state in the district court in such estates as the court may in its discretion deem necessary, and for such services the public administrator shall be entitled to five (5%) per cent of the gross inheritance tax as determined in each such estate, to be paid by the county treasurer out of the inheritance tax funds upon an order of the district judge, provided that the minimum fee for each such estate shall not be less than Five Dollars ($5.00) except that it shall not exceed the amount of such tax, and the maximum fee not more than Twenty-five Dollars ($25.00); but in cases of unusual difficulty, in estates of resident decedents, where the tax exceeds Five Hundred Dollars ($500.00), the district judge may allow the public administrator such additional compensation as he may deem just and reasonable.

Fee of administrator.

Board of Equalization to investigate administration of laws.

Section 18. (1) It shall be the duty of the State Board of Equalization to supervise the administration of, and to investigate and cause to be investigated the administration of the inheritance tax laws, and such particular estates to which the inheritance tax laws apply, throughout the various counties of the state, and to cause to be made and filed in its offices reports of such investigation together with specific information and facts as to particular estates that may seem to require especial consideration and attention by the legal department of the state, but no information so acquired shall be disclosed to anyone but proper officials and persons interested in any such estate.

Reports of investigations to be filed.

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Powers of Board of Equalization.

(2) The State Board of Equalization, in the conduct of inheritance tax affairs, shall have the same and similar powers and authority for gathering information and making investigations as is conferred by law on the State Board of Equalization in the performance of its other duties. The State Board of Equalization shall biennially report to the legislature at the opening of the sessions the general result of its labors and investigations in inheritance tax matters during the previous biennial period, together with specific reports of the several counties where the administration of the inheritance tax laws has been lax and unsatisfactory, with such recommendations for action thereon by the legislature as may be deemed advisable and proper.

Report to legislature.

Board of Equalization to investigate estates of non-resident decedents.

(3) The State Board of Equalization shall also gather information and make investigations and reports concerning the estate of non-resident decedents within the provisions of the inheritance tax laws, and shall especially investigate the probate and other records for such probate estates without the state and report thereon from time to time to the legal department of the state and to the proper district court for appropriate legal action, but no information so acquired shall, in advance of legal action, be disclosed to any one except proper officials and persons interested in such estate.

Attorney General to enforce directions of Board of Equalization.

(4) It shall be the duty of the Attorney General of the state to carry out and enforce the recommendations and directions of the State Board of Equalization in all matters pertaining to the conduct of inheritance tax affairs; and in every estate in which the amount of inheritance tax collectible shall exceed or probably exceed the sum of One Thousand Dollars ($1,000.00), there shall be no compounding, compositions, or settlement of the taxes under the authority conferred by Section 20, or otherwise, until the State Board of Equalization shall have investigated such estate and made a report thereon, nor until the State Board of Equalization consents to such compounding, compromise or settlement.

Blanks and forms to be prepared by Board of Equalization.

(5) The State Board of Equalization shall prescribe such forms and prepare such blanks as may be necessary in inheritance tax proceedings in the district courts of the state; and such blanks shall be printed at the expense of the state and furnished to the district courts upon the request of the judges or clerks thereof.

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Report of county treasurer.

Section 19. Each county treasurer shall make a report under oath to the State Treasurer, on or prior to the fifth days of January, April, July and October of each year, of all taxes received by him under the provisions of the inheritance tax laws, up to the first days of each of such months, stating for what estate, by whom and when paid, and the amount paid for each estate, and also the total of all amounts paid out of the same in connection with appraisement proceedings of each estate on certificates of the judge of the district court of his county under the provisions of Sections 14, 15 and 17 of this Act or refunds paid by him under the provisions of Section 8 of this Act. The form of such report shall be prescribed by the State Treasurer with the approval of the State Board of Equalization. Such county treasurer shall at the same time pay to the State Treasurer all taxes received by him and due to the state under this act and upon all such taxes not paid into the State Treasury within five (5) days from the times herein required, he shall pay interest at the rate of ten per cent (10%) per annum.

Form of report.

Expectant estates, settlement for taxes authorized.

Section 20. The State Board of Equalization is authorized to enter into an agreement with the executor, administrator, or trustee of any estate in which remainders or expectant estates have been of such a nature or so disposed and circumstanced that the taxes therein were held not presently payable or where the interests of the legatees or devisees are not ascertainable under the provisions of this Act, or whenever a tax is claimed on account of the transfer of any property of a non-resident decedent, and to compound such taxes upon such terms as may be deemed equitable and expedient and to grant discharges to said executors, administrators, or trustees upon the payment of the taxes provided for in such composition; provided, however, that no such composition shall be conclusive in favor of said executors, administrators, or trustees, as against the interests of such cestui que trust as may possess either present rights of enjoyment or fixed, absolute, or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto either personally when competent or by guardian. Composition or settlement made or effected under the provisions of this Section shall be executed in triplicate and one (1) copy filed in the office of the State Treasurer; one (1) copy in the office

Not conclusive against cestui que trust.

Settlement to be filed.

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of the clerk of the district court in which the tax was paid, or in the office of the State Board of Equalization; and one (1) copy shall be delivered to the executors, administrators, or trustees, who shall be made parties thereto.

Fee for receipt or copy.

Section 21. Any person shall, upon the payment of the sum of fifty cents (50c) be entitled to a receipt from the county treasurer or the State Treasurer, or at his option to a copy of a receipt that may have been given by such county treasurer or State Treasurer for the payment of any tax under this Act, under the official seal of such county treasurer, or State Treasurer, which receipt shall designate upon whose estate such tax shall have been paid, by whom, and whether in full of such tax. Such receipt may be recorded in the office of the county recorder of the county in which such estate is situate in a book to be kept by him for that purpose, which shall be labeled "transfer tax".

Receipt where recorded.

Definitions.

Section 22. The word "estate" and "property" as used in this Act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. The word "transfer" as used in this Act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein prescribed. The word "decedent" as used in this Act shall include the testator, intestate, grantor, bargainor, vendor, or donor. The words "county treasurer", "public administrator" and "county attorney", as used in this Act shall be taken to mean the treasurer, public administrator and county attorney of the county of the district court having jurisdiction as provided in Section 12.

Amount of taxes to be paid State Treasurer.

Section 23. Ninety per cent (90%) of all taxes levied and collected by County Treasurers under the provisions of this Act, less any expenses of collection and deductions authorized under this Act, shall be paid into the State Treasury and deposited to the credit of the general fund

Percent to school fund.

and ten per cent (10%) thereof shall be passed to the general school fund of the county.

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Repealing Sections 7724 to 7752, inclusive, Revised Codes.

Section 24. Sections 7724 and 7751, both inclusive, of the Revised Codes of Montana, 1907, and all other acts and parts of acts in conflict herewith are hereby repealed; provided, however, that such repeal shall not in any wise affect any suit, prosecution or proceeding pending at the time this Act shall take effect, or any right which the State of Montana may have at the time of the taking effect of this Act to claim a tax upon any property under the provisions of the act or acts hereby repealed for which no proceeding has been commenced, and where no proceeding has been commenced to collect any tax arising under any act or acts hereby repealed the procedure to collect such tax shall conform to the provisions hereof; nor shall said repeal affect any appeal, right of appeal in any suit pending, or orders fixing taxes existing in this state at the time of the taking effect of this Act.

Repeal not to effect what.

Right of appeal not affected when.

Section 25. This Act shall be in full force and effect from and after the 1st day of April, 1921.

Approved March 26, 1921.

CHAPTER 15.

An Act Requiring Every Person, Firm, Association, Joint-Stock Company and Corporation Engaged in or Carrying on the Business of Producing or Manufacturing Cement, Cement Plaster, or Gypsum Plaster, in This State to Pay to the State Treasurer for Engaging in and Carrying on Such Business, Certain License Taxes for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Taxes: Prescribing a Method for the Assessment and Collection Thereof, and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

"Person", definition.

Section 1. The term "person", as used in this Act, shall mean and include any individual, firm, co-partnership, and every corporation, joint-stock company and association.

License tax on manufacture of cement.

Section 2. Every person engaged in or carrying on the business of producing or manufacturing cement, cement plaster or gypsum plaster in this state, must, for the year 1921, and each year thereafter, when engaged

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in or carrying on such business in this state, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, in an amount equal to four cents ($.04) per barrel for each and every barrel of cement, containing three hundred and seventy-six (376) pounds and twenty cents ($0.20) per ton of two thousand (2000) pounds on cement plaster or gypsum manufactured or produced during such year by such person within the State of Montana.

4 cents per barrel.

Tax payable quarterly.

Section 3. Such annual license tax shall be paid in quarterly installments for the quarters ending, respectively, March 31st, June 30th, September 30th, and December 31st, of each year, beginning with the quarter ending March 31st, 1921, and the amount of such license tax due for each such quarter shall be paid to the State Treasurer within thirty days after the end of each such quarter.

Statement to be filed with Board of Equalization.

Section 4. Each and every person engaged in or carrying on such business at the date when this Act becomes effective, must, not later than the thirtieth day of April, 1921, and every person who shall, after the date this Act becomes effective, engage in such business, must immediately upon engaging therein, file with the State Board of Equalization a certificate and statement, on forms prescribed by the State Board of Equalization which shall contain the name under which such person is engaging in and carrying on such business within this State, giving the name of the place or places of business or location of plants or factories within this State; the name and address of the managing agent in this State; if a corporation, joint-stock company or association, or if a firm or co-partnership, the names and addresses of the persons composing the same; if an association, joint-stock company or corporation, under the laws of what state organized, its principal place of business and the name and addresses of its principal officers; and such other information as the State Board of Equalization may deem necessary.

Contents of statement.

Records to be kept.

Section 5. Every such person shall keep a record in such form as the State Board of Equalization may require, of all cement, cement plaster or gypsum plaster manufactured or produced by such person in this State, and such records shall at all times during the business

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hours of the day be subject to inspection by the State Board of Equalization, its members, agents or employees.

Quarterly statement.

Section 6. Each and every person must, within thirty days after the quarter ending March 31st, 1921, and within thirty days after the end of each following quarter, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of barrels of cement, tons of plaster or gypsum plaster manufactured or produced by such person in the State of Montana, during each month of such quarter and during the whole quarter, together with the total amount due to the state as license taxes for such quarter; and must, within such thirty days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer the amount of the license taxes shown by such statement to be due to the State of Montana for the quarter for which such statement is made. Such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice president, treasurer, assistant treasurer, or managing agent in this state of the asssociation, corporation, or joint-stock company making the same. Any such person engaged in carrying on such business at more than one place or operating more than one factory or plant in this state, may include all thereof in one statement. The State Treasurer shall file one copy of such statement in his office and deliver the other thereof to the State Board of Equalization.

Contents of.

Tax, payment of, when.

Verification of statement.

Business conducted at more than one place.

Filing statement.

Failure to file statement.

Section 7. It shall be unlawful for any person to fail, neglect refuse to file any statement or certificate required by this Act in the manner or within the time herein required, or to make such statement false in any particular.

Board of Equalization to fix amount of tax on failure to file statement.

Section 8. If any such person shall fail, neglect or refuse to file any statement required by Section 6 of this Act within the time therein required, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may, regarding the number of barrels of cement, tons of cement plaster or gypsum plaster manufactured or produced by such person within this state during such quarter, and during each month thereof, and shall determine and fix the amount of the license taxes due to the state from such person for such quarter, and shall make out a statement, in duplicate, showing the same, and shall add to the

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amount of such license taxes a penalty of twenty-five per cent thereof as a penalty, and deliver one copy of such statement to the State Treasurer, who shall proceed to collect the amount of the license taxes, with the penalty added thereto and interest on the whole thereof at the rate of twelve per cent per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State Treasurer, it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction, an action at law to recover the same.

Penalty added.

Attorney General to prosecute.

Taxes deposited in general fund.

Section 9. All license taxes collected under the provisions of this Act shall be deposited to the credit of the general fund of the state.

Misdemeanor.

Penalty.

Section 10. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

License tax in addition to other taxes.

Section 11. The license taxes herein provided for shall be in addition to all taxes and fees now required to be paid by the persons subject to the provisions of this Act.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

CHAPTER 16.

An Act Relating to and Regulating the Sale of Cement, Cement Plaster, Gypsum Plaster or Other By-Products of Cement, Within the State of Montana; Requiring All Persons, Firms, Associations and Corporations Engaging in or Carrying on the Occupation or Business in This State of Retailing, or Selling at Retail, Said Commodities or Any By-Products Thereof, to Pay to the State Treasurer for Engaging in or Carrying on Such Occupation or Business, Certain License Taxes for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Tax and Prescribing a Method for the Assessment and Collection Thereof, and Prescribing Penalties for Violations of This Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

"Person," definition.

Section 1. The term person, as used in this Act means and includes every individual, firm, association, joint-stock company, syndicate and corporation.

License tax on sale of cement.

Section 2. Every person who engages in or carries on the occupation or business in this state of retailing, or selling at retail, cement, cement plaster, gypsum plaster or other by-products of cement, must for the year 1921, and annually each year thereafter when engaged in such occupation or business, procure from the State Treasurer a license to engage in and carry on such occupation or business in this state, and shall annually pay to the State Treasurer for such license a tax of One Dollar ($1.00) together with an additional sum or amount equal to four cents (4c), per barrel of three hundred seventy-six pounds (376 lbs.) of cement and twenty cents (20c) per ton of 2000 pounds on cement plaster, gypsum plaster or other by-product of cement, sold by such person during such year and for the manufacturing or producing of which no person has paid, or assumed liability for the payment of any license tax to the State of Montana under any law of this state.

License fee.

4 cents per barrel.

Statement to be filed with Board of Equalization.

Section 3. Each and every person engaged in or carrying on such occupation or business in the State of Montana at the date when this Act becomes effective must, not later than the 30th day of April, 1921, and every person who shall engage in or carry on such occupation or business after the date when this Act becomes effective must immediately after engaging in such occupation or business, make out and file with the State Board of Equalization a certificate and statement, on forms prescribed by the State Board of Equalization, which shall contain the name under which such person engaging in and carrying on such occupation and business in this state, giving the location of each place of business of such person, the name and address of the managing agent in this state, if any association, joint-stock company, syndicate or corporation, or if a firm or co-partnership the names and addresses of the persons composing the same; if an association, joint-stock company, snydicate or corporation, under the laws of what state organized, its principal place of business, and the names and addresses of its principal officers, and such other information as the State Board of Equalization may require.

Form and contents.

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License fee paid when.

Section 4. The said license tax of One Dollar ($1.00) shall be paid by each person within thirty (30) days after the end of the quarter ending March 31st in each year, and such additional license tax of four cents (4c) per barrel and twenty cents (20c) per ton shall be paid in quarterly installments for the quarters ending March 31st, June 30th, September 30th, and December 30th, in each year beginning with the quarter ending March 31st, 1921, and the total amount of such license tax becoming due for any quarter shall be paid to the State Treasurer within thirty (30) days after the end of the quarter for which the same is due.

Tax paid quarterly.

Record of cement received.

Section 5. Each and every person engaging in or carrying on such occupation in this state shall keep a record showing all cement, cement plaster, gypsum plaster and other by-products of cement purchased or received by or delivered to such person for sale by such persons at retail in this state for the manufacturing or production of which cement, cement plaster, gypsum plaster or other by-products of cement, no person has paid, or assumed liability for the payment of any license tax to the State of Montana under any law of this state, which record shall show the date of each purchase or delivery, the number of barrels or tons contained therein, and the name of the person from whom the same was purchased or received, which records shall at all times during the business hours of the day be subject to inspection by the State Board of Equalization, its members, agents or employees.

Record subject to inspection.

Quarterly statement to be made.

Section 6. Each and every person must, within thirty (30) days after the quarter ending March 31st, 1921, and within thirty (30) days after the end of the following quarter, make out in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the total number of barrels or tons of such commodities sold by such persons during such quarter for the manufacturing or production of which no person has paid, or assumed liability for the payment of, any license tax to the State of Montana under any laws of this state, together with the total amount due to the State of Montana as license taxes from such person for such quarter; and must within thirty (30) days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer the amount of the license tax shown by such statement

Form and contents.

Payment of license tax.

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to be due to the State of Montana for the quarter for which said statement is made. Such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice-president, treasurer, assistant-treasurer or managing agent in this state of the association, joint-stock company, syndicate or corporation making the same. The State Treasurer shall file one copy of such statement in his office and deliver the other copy thereof to the State Board of Equalization.

Verification of statement.

Filing of statement.

Section 7. It shall be unlawful for any person to fail, neglect or refuse to file any statement or certificate required by this Act in the manner or within the time required, or to make any such statement or certificate false in any particular.

Failure to file statement.

Section 8. If any person shall fail, neglect or refuse to make or file the statement required by Section 6 of this Act, within the time required, the State Board of Equalization shall immediately after such time has expired, proceed to inform itself, as best it may, regarding the matters required to be set forth in such statement, and shall fix and determine the amount of the license taxes due from such person for such quarter, and shall make out a statement in duplicate showing such matters, and the amount of such license taxes and shall add to the amount of such license taxes twenty-five per cent thereof as a penalty, and deliver one of such statements to the State Treasurer, who shall proceed to collect the amount of such license taxes, with the penalty added thereto, and interest on the whole thereof at the rate of twelve per cent per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.

Board of Equalization to fix tax on failure to file statement.

Penalty.

Attorney General to prosecute.

Section 9. All licenses issued under the provisions of this Act shall expire on the 31st day of December following the date of issuance.

Expiration of license.

Section 10. Every person engaged in the business in this state of manufacturing or producing cement, cement plaster, gypsum plaster or other by-product of cement shall make out and deliver to every person to whom any of such commodities are sold or delivered by such person, an invoice covering the commodity or commodities so sold or delivered on which invoice shall be stated whether

Manufacturer invoice tax paid.

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or not such person has paid, or assumes liability for the payment of the license tax for manufacturing or producing the same, to the State of Montana, under any laws of this state.

State Treasurer to issue license, when.

Section 11. Upon payment of the license tax for the first quarter in each year by any person engaging in or carrying on the occupation of selling cement, cement plaster, gypsum plaster or other by-products of cement at retail in this state, the State Treasurer shall issue to the person paying the same a license which shall recite therein that the same shall be and remain in full force and effect for the whole of such year, provided the person to whom it is issued shall thereafter make all payments of quarterly installments of license taxes as the same may become due, and such license shall be kept conspicuously posted in the place of business of such person.

License to be posted.

Taxes deposited in general fund.

Section 12. All license taxes collected under the provisions of this Act shall be deposited to the credit of the general fund of the state.

Misdemeanor.

Penalty.

Section 13. Any violation of any of the provisions of this Act shall be deemed a misdemeanor, and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

License taxes in addition to other taxes.

Section 14. The license taxes herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Section 15. All acts and parts of acts in conflict herewith are hereby repealed.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

CHAPTER 17.

An Act to Amend Section 2 of Chapter 103 of the Session Laws of the Seventeenth Legislative Assembly of the State of Montana, Being an Act Entitled: "An Act Requiring a Petition of Twenty Per Cent of the Qualified Electors Who Are Tax Payers to Authorize the Voting Upon the Issuance of Any School, Town,

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City or County Bonds and Providing Who Are Entitled to Vote Thereon".

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2, Chapter 103, Laws of 1921.

Section 1. That Section 2 of Chapter 103 of the Session Laws of the Seventeenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Only taxpayers to vote at bond elections.

"Section 2. That in all elections hereafter held for the issuance of bonds of any school district, town or city, only qualified registered electors who are tax payers upon property therein, and whose names appear on the assessment roll for the year next preceding such election, shall be entitled to vote thereat".

Bonds authorized prior to Act.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed; provided, however, this Act shall not apply to any issuance of bonds which have been authorized prior to such time as this Act shall take effect and be in full force.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

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APPROPRIATIONS

MEMORIALS AND RESOLUTIONS

ENACTED BY THE

EXTRAORDINARY SESSION

OF THE

Seventeenth Legislative Assembly

STATE OF MONTANA

1921

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HOUSE BILL NO. 3.

An Act to Appropriate Money for the Payment of the Per Diem of the Officers and Attaches of the Seventeenth Legislative Assembly of the State of Montana, in Extraordinary Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars ($5000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, to pay the per diem of the officers and attaches of the Seventeenth Legislative Assembly of the State of Montana, in Extraordinary Session.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1921.

HOUSE BILL NO. 4.

An Act to Appropriate Money for the Payment of Incidental Expenses and Printing of Session Laws of the Seventeenth Legislative Assembly of the State of Montana in Extraordinary Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the following amounts for the following purposes:

The sum of Seven Thousand Five Hundred Dollars ($7500.00), or so much thereof as may be necessary, for incidental expenses, and for printing and publishing the Session Laws of the Extraordinary Session of the Seventeenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1921.

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HOUSE BILL NO. 5.

An Act to Appropriate Money for the Mileage and Per Diem of the Members of the Seventeenth Legislative Assembly of the State of Montana in Extraordinary Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-five Thousand Dollars ($35,000.00), or so much thereof as may be necessary be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, for the payment of the per diem of the members of the Seventeenth Legislative Assembly of the State of Montana in Extraordinary Session.

Section 2. That the sum of Ten Thousand Dollars ($10,000.00), or so much thereof as may be necessary be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, for the payment of the mileage of the members of the Seventeenth Legislative Assembly of the State of Montana in Extraordinary Session.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved, with the exception of Section 2, March 19, 1921.

HOUSE BILL NO 14.

An Act Providing for the Making of Necessary Repairs In, Upon and About the State Capitol Buildings and for Insuring the Same, and the Contents Thereof, Against Loss or Damage by Fire, and Making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty Thousand Dollars ($30,000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of making necessary repairs in, upon and about the State Capito buildings; such amount, or so much thereof as may be necessary for such purposes, to be expended by and under the direction and control of the State Board of Examiners, and for the making of such repairs, and for an insurance upon the State Capitol building and its contents in the sum of Five Hundred Thousand Dollars ($500,000.00).

Section 2. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

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HOUSE BILL NO. 15.

An Act Appropriating Money for the Payment of Deficiency Claims Arising Out of the Operation of Various State Departments for the Year Ending February 28th, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying deficiency claims arising out of the operation of the various state departments for the year ending February 28th, 1921, to-wit:

Capitol building maintenance for the payment of coal and other expenses, Six Thousand Three Hundred Twenty-five Dollars $6,325.00

Expense of District Judges, Nine Hundred Fifty Dollars.... $950.00

Requisition of Prisoners Six Hundred Thirty-three Dollars and ninety-three cents $633.93

Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1921.

HOUSE BILL NO. 16.

An Act Appropriating Money for the Payment of Deficiency Claims for Expenses Incurred in Carrying Out the Provisions of House Bill No. 16 of the Fifteenth Legislative Assembly Providing for the Issuance and Sale of Bonds to Acquire Funds for the Building of a Terminal Elevator at Great Falls, Montana, and of House Bill No. 304 of the Sixteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Two Thousand Seven Hundred Fifty-six and 23/100 Dollars ($2,756.23), or as much thereof as may be necessary covering expenses incurred in the publication of notices of sale of State Terminal Elevator Bonds, printing bonds, and for expenses incurred by the Board of Terminal Elevator Managers.

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Section 2. Such deficiency claims shall be allowed and paid from the appropriation hereby made, upon the approval of said claims by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1921.

HOUSE BILL NO. 18.

An Act Making an Additional Appropriation of Money During the Twelve Months Period Beginning July 1, 1921, and Ending June 30, 1922, for the Purpose of Purchasing Land for the Montana School for the Deaf and Blind.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand Dollars ($10,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the twelve (12) months period beginning July 1, 1921, and ending June 30, 1922, for the purpose of purchasing land for the Montana School for the Deaf and Blind; the amount so appropriated by this Act for such purpose being in addition to any and all amounts appropriated for such purpose by the Seventeenth Legislative Assembly at its regular session.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1921.

HOUSE BILL NO. 23.

An Act Appropriating Money for the Maintenance of the State Law Library and the Legislative Reference Bureau in Connection Therewith for the Periods Designated Beginning March 1, 1921, and Ending June 30, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of the General Fund in the State Treasury, not otherwise appropriated, for the purpose of the maintenance of the State Law Library and the Legislative Reference Bureau in connection therewith for the several periods herein named:

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For the four (4) months beginning March 1, 1921, and ending June 30, 1921:

For insurance and all other expenses Two Hundred Dollars..$200.00

For the period beginning June 1, 1921, and ending June 30, 1922:

For Legislative Bureau and office supplies, carriage, postage, filing cases and other expenses Two Hundred Dollars $200.00

For the period beginning July 1, 1922, and ending June 30, 1923:

For office and Legislative Bureau supplies, carriage, postage, filing cases and other expenses Two Hundred Dollars $200.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

HOUSE BILL NO. 28.

An Act Making an Appropriation of Money for the Payment of Expenses of the State Board of Equalization Necessary to Be Incurred in the Performance of the Duties Imposed Upon Such Board in Connection With the Taxation and Equalization of Property for Taxation and the Administration and Enforcement of the Laws With Reference to Taxes and Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Thousand Ninety-four Dollars ($6,094.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the four months beginning March 1, 1921, and ending June 30, 1921, for the payment of expenses of the State Board of Equalization necessary to be incurred during such period in the performance of the duties imposed upon such board in connection with the taxation and equalization of property for taxation, and the administration and enforcement of the laws of this state with reference to taxes and licenses.

Section 2. That the sum of Twelve Thousand Eight Hundred Dollars ($12,800.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the twelve months beginning July 1, 1921, and ending June 30, 1922, for the payment of expenses of the State Board of Equalization necessary to be incurred during such period in the performance of the duties imposed upon such board in connection with the taxation and equalization

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of property for taxation, and the administration and enforcement of the laws of this state with reference to taxes and licenses.

Section 3. That the sum of Twelve Thousand Eight Hundred Dollars ($12,800.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the twelve months beginning July 1, 1922, and ending June 30, 1923, for the payment of expenses of the State Board of Equalization necessary to be incurred during such period in the performance of the duties imposed upon such board in connection with the taxation and equalization of property for taxation, and the administration and enforcement of the laws of this state with reference to taxes and licenses; provided, however, that should any part of this section be attacked or its constitutionality questioned in any court proceeding, then and in that event it is hereby declared the intent of the Legislative Assembly to appropriate for the purposes herein mentioned twelve (12) equal amounts, being one for each of the months from July 1, 1922 to June 30, 1923, and that any decision affecting the constitutionality of this section shall only affect that portion of said appropriation for the months of March, April, May and June of the year 1923, and shall not affect any other part or portion thereof.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

HOUSE BILL NO. 33.

An Act to Appropriate Money for the Expenses of the Supreme Court Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Thousand Dollars ($20,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the payment of the expenses of a Supreme Court Commission.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

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HOUSE BILL NO. 35.

An Act Appropriating Money for the Payment of Per Diem of Officers and Attaches of the Seventeenth Legislative Assembly of the State of Montana in Extraordinary Sesssion.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Thousand Five Hundred Dollars ($7,500.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of per diem of officers and attaches of the Seventeenth Legislative Assembly in Extraordinary Session, such amount being in addition to any appropriation heretofore made by the Seventeenth Legislative Assembly in Extraordinary Session.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 22, 1921.

HOUSE BILL NO. 36.

An Act to Appropriate Money for the Erection of an Additional Building, and for the Maintenance of the State Tuberculosis Sanitarium for the Period Beginning March 1, 1921, and Ending June 30, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or as much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the object and purpose hereafter expressed, for a period beginning March 1, 1921, and ending June 30, 1921:

For the maintenance of the State Tuberculosis Sanitarium, Ten Thousand Dollars ..... ($10,000.00)

For the erection of addition to main building, Twenty Thousand Dollars ..... ($20,000.00)

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 26, 1921.

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SENATE JOINT MEMORIAL NO. 1.

WHEREAS, a critical situation exists in much of that territory within the states of North Dakota, Montana, Idaho and Washington, in that within said states there is a large number of farmers who, in the aggregate, have millions of acres of land under cultivation, but who have not sufficient seed or feed for the spring planting of 1921; and

WHEREAS, the farmers of said states demonstrated their loyalty to the Government during the late war by producing food products to the limit of their ability, at less than cost, owing to damage by drouth and insects and the high cost of labor; and

WHEREAS, in order to insure the best results from the forthcoming harvest, seed and feed should be provided said farmers; and

WHEREAS, owing to present financial depression existing throughout the entire country, it is not possible for the banks or the counties of the said states to arrange for furnishing the necessary seed and feed to said farmers; and

WHEREAS, the appropriation made by Congress for a loan of $2,000,000.00 to said farmers is wholly inadequate and insufficient to supply such necessary seed and feed; and

WHFREAS, unless Federal aid is forthcoming, millions of productive acres of land of said states will not be cropped during the year of 1921, when the production of agricultural products is recognized as a factor of most vital importance to the welfare of the nation and the world;

NOW THEREFORE, BE IT RESOLVED by the Seventeenth Legislative Assembly of the State of Montana, in Extraordinary Session, the House of Representatives concurring, that we do hereby memorialize Congress of the United States, and respectfully urge, that Congress take the earliest possible action toward furnishing the means whereby the farmers in the said states may be provided with additional Federal aid, to the end that they may receive sufficient seed and feed to plant a normal acreage for the season of 1921; and

BE IT FURTHER RESOLVED that the Secretary of the Senate forthwith transmit a copy of this Resolution to the President of the United States, and to the President of the Senate of the United States, and to the Speaker of the House of Representatives, and to the Senators and Representatives from the State of Montana in Congress.

Approved March 22, 1921.

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SENATE JOINT RESOLUTION NO. 2.

WHEREAS Senate Joint Resolution No. 8 of the 17th Legislative Assembly approved by the Governor on February 24, 1921, directs the State Highway Commission to refrain from making any contracts of any kind or character for further construction of roads and bridges within the State of Montana; and,

WHEREAS at the time said resolution was passed and approved the 17th Legislative Assembly had before it for consideration a certain bill providing for the reorganization of the State Highway Commission; and,

WHEREAS said bill was subsequently passed and approved by the Governor and the reorganization of the Highway Department effective May 1, 1921, provided for,

NOW THEREFORE, BE IT RESOLVED by the Senate of the extraordinary session of the 17th Legislative Assembly, the House of Representatives concurring, that Senate Joint Resolution No. 8 has served and accomplished the purpose for which it was intended and that the restrictions and restraint therein imposed upon the State Highway Commission be and are hereby removed and the provisions of the said resolution rescinded, provided however, no new contracts for road or bridge projects shall be let by the State Highway Commission, until after April 1st, 1921.

Approved March 22, 1921.

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NOTE.

The State Law Librarian, compiler of the Index on the following pages, has endeavored, with the short time allotted to him, to arrange the same alphabetically throughout. The main heads are found in the center of the page and the subheads on the left. The matter under each main head is arranged in accordance with the alphabetical sequence until a subhead is reached, if any; the matter under the subhead is arranged in like manner until exhausted, the lines being slightly indented. Following the matter under the subhead the Index resumes the alphabetical sequence, the lines being set flush on the left margin. This arrangement is continued throughout the Index.

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